RESERVATIONS FOR BACKWARD CLASSES

MANDAL COMMISSION REPORT OF THE BACKWARD CLASSES COMMISSION, 1980

Alongwith Introduction



1991

AKALANK PUBLICATIONS

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EXCERPTS FROM THE STATEMENT GIVEN IN PARLIAMENT ON RESERVATION BY HON. PRIME MINISTER SHRI VISHWANATH PRATAP SINGH JI

After all, if you take the strength of the whole of the Government employees as a proportion of the population, it will be 1% or 1½. I do not know exactly, it may be less than 1%. We are under no illusion that this 1% of the population, or a fraction of it will resolve the economic problems of the whole sectionof 52%. No. We consciously want to give them a position in the decision-making of the country, a share in the power structure We talk about merit. What is the merit of the system itself? That the section which has 52% of the population gets 12.55% in Government employment. What is the merit of the system? That in Class I employees of the Government it gets only 4.69%, for 52% of the population; in decision-making at the top echelons it is not even one-tenth of the population of the country; in the power structure it is hardly 4.69 I want to challenge first the merit of the system itself before we come and question on the merit, Whether on merit to reject this individual or that. And we want to change the structure basically, consciously, with open eyes. And I know when changing the structures comes, there will be resistance....

In the social order that we have economic order also follows the contours, more or less, but not exactly, in the lower sections of the social order. In that what are a child's opportunities? For his livelihood he is supposed to be with his family. While these people work, we have the leisure of debating here. They generate the luxuries for the upper sections, their educational opportunities. They generate the wealth in the way they can have better education. And those who generate this merit in the upper sections are asked, "Well, what is your merit to compete?"

That is what I mean by the merit of the system itself. We have to debate the merits and demerits of the system itself when we come to the issue of purely 'merit', that merit is being jeopardized by these reservations?...

What I am saying is the present socio-economic system is such that it is adversely biased towards the weaker section.

And, as this is adversely biased against the weaker sections, then, asking these weaker section to compete equally with the other sections which are better off is something defective in the system itself. Therefore, I am questioning the merit of the present system, the status quo, that we have.

What I want to convey is that treating unequals as equals is the greatest injustice.

And, correction of this injustice is very important and that is what I want to convey. Here, the National Front Government's commitment for not only change of Government, but also change of the social order, is something of great significance to all of us; it is a matter of great significance. Merely making programmes of economic benefit to various sections of the society will not do.

Therefore, what is necessary, on the Government side, is to make a conscious decision and implement such programmes and schemes by which these sections are drawn into the decision making process.

Let it be understood that a counry is not a certain map on paper. But a country is something which is in the hearts of the people and that is where the unity of the country lies, and what they feel, when the lines are drawn, will have an effect on the land also. Therefore, whether it be the SC/ST, whether it be the weaker sections, whether it be the backward sections, whether it be the minorities, we have very conscious policies and these are the things which we bring forward before Parliament, before you.

Here we are clear. This 27 per cent we do not want to dilute by any other categorisation, except social and economic...

There is a very big force in the argument to involve the poorest in the power structure. For a lot of time we have acted on behalf of the poor. We represent the poor.

How do we involve them? We represent the people. We only represent. Can we make their presence felt here? These are the real places of power structure--the Assemblies and the Parliament. While we say so much about the power or some percentage or one per cent of the whole population, we really want to bring the poor into the forums of decision-making. Can we take a bold decision? If 40 per cent of the people are below the poverty line, in the Rajya Sabha, Lok Sabha and Assemblies we can reserve seats for the poor to that extent.

Let us forget that the poor are begging for some crumbs. They have suffered it for thousands of years. Now they are fighting for their honour as a human being.

It is one of the happiest moments. I did have to muster a lot of courage to say it. That it has found response in your heart is certainly something.

A point was made by Mahajan ji that if there are different lists in different States how will the Union List harmonise? It is so today in the case of the Scheduled Castes and the Scheduled Tribes. That has not caused a problem. On the same pattern, this will be there and there will be no problem.

Then a point was made about education, whether reservations will be made in the educational institutions, medical colleges, engineering colleges, etc. Some States already have some reservation. It is true that we will have to go about it as the Mandal Commission has recommended.

It is true that in the first phase we are implementing it for Government employees and the public sector. And we agree with the recommendations that we have to give other inputs of education, of training, of coaching, etc., and strengthening it. Now, coming to reservation in educational institutions, we have in the first phase not gone to that extent.

So, we thought that we go in the first phase so far, and then we carry people and then go to the next phase.

Educationally they have to be strengthened. Otherwise, how will they get the opportunities and how will they compete? I totally agree with this. But in any change, when once the goal is clear, you should have good tactics also to achieve your goal. I am stating it veryfrankly.

We do not want to avoid the issue. Educationally, they will have to be strengethened. They will have to be given proper education.

About the reaction of the upper castes, there will be some. I think we can explain it to them. As you know, many upper castes have fought for this cause.

Certain sections of the minority communities have been specified as backward in the State lists as well as in the Mandal Commission's list, both. The examples are: Labbai in Tamil Nadu, Dudekula Muslims in Andhra Pradesh and in U.P., Ansari, Chikwa, Dafali, Fakir, Kunjra, Manihar, Momin, Hajjam and Rangrez.

All sections of minorities whose names are common to both the State lists and the Mandal Commission's list will be automatically included in the Government of India list in the first phase itself. In the first phase itself, these minority communities will get the benefit.

Those minorities which are in the common list of the State as well as the Mandal Commission will get the benefit in the first phase itself.

Now the point is, so far as Mandal Commission is concerned, it has spoken of socially and educationally backward. Therefore, it has a rationale not to be confined to a particular religion because it says "socially and educationally backward".

Therefore, the rationale to be confined only to Hindus is not there. It is not confined to the caste system of Hindus. "Socially and educationally backward" is applicable to India. Therefore, in the very first phase, acceptance has been given to even non-Hindu faiths which have been identified as "backward" in the various States. Therefore, we have a very clear view that the Mandal Commission is not a Commission only applying to one religion. It is covering a very vast sector. Therefore, while in the first phase, we are taking that which is common, in the next phase we will be interacting with the States and identifying "socially and educationally backward" and in that sense, with this interaction we can make further progress regarding this.

May I also share with you that we have taken a decision to implement also, perhaps, that in every Selection Board of the Government of India—we are advising the States also—there must be a member of the minority community and one of SC/ST so that their feeling that justice is not done in selection will be removed.

In the panchayats we are giving a reservation of 30 per cent for women.

Also, we are giving more legal powers to the Minorities Commission. That is under study and we will come forward when we come to a decision. It will not be very long.

About educational facilities we have said, to distribute the facilities--primary schools or high schools or technical institutions--in a certain minority-populated area so that the children naturally come and get the benefit of education. Same way for banks, same way for certain crafts in areas where the minorities are in large numbers like handlooms, brassware, woodwork, etc., so that the training centres are in their areas so that they get direct benefit.

So, these are the various measures that we have for minorities and, I think, in this I do have the support of the House in going ahead with them.

Shri Malviaji raised the point of Dr. Lohia's principle of giving up to 60 per cent to the Scheduled Castes, the Scheduled Tribes, backward classes and minorities. In fact this is a part of the constitution of our party and a part of our National Front manifesto. Our commitment is there, and we will try to achieve this goal, though we cannot say that 100 per cent overnight we can do it. But certainly that is the direction of our commitment.

We will be coming for a change in the Constitution regarding the right to work. In this, certainly, we would be interacting with all the parties because it is a national cause. We need resources for development, we need resources for other expenditures, and also our commitment is there to see within the resources that we can have what sort of scheme we can implement and start with a commitment with which we can grow. And we will be coming with this amendment of right to work.

Mr.Subramanian Swamy raised the issue of the Judgement of the Supreme Court about 50 per cent--how this further reservation will be valid--whether it will be violative of the judgement. Now, many States have made reservation much more than 50 per cent and they have not been held invalid. So I do not think there is any problem with this.

Other categories could also be adjusted within this framework....... Ex-servicemen and sub-categories in the ex-servicemen, certain percentage and the whole figure can be worked out.

Now, we have got 15 per cent for SC, 7-1/2 per cent for ST and now, 27 per cent for OBCs. So, it comes to 49.5 per cent.

While reservation for SC and ST and BCs are caste-wise, for Ex-Servicemen and handicapped, etc., it may include among them SC and ST and other backward class persons also and such percentage of Ex-Servicemen and handicapped who are SC and ST and BC will be set off against the quota of reservation for these communities. In other words, reservation for Ex-Servicemen and handicapped is inclusive of the total reservation for SC and ST and Backward Classes. So, even if we absorb these classes, there will be superimposition...

We are coming up with a Bill so far as women are concerned --for their reservations in Panchayat body, Zila Parishads and Municipalities. That is one step for women sharing power.

About financing the body for backward classes, there are various financing bodies for SCt, ST and minorities. But because of lack of finance in them, though a head is created, the net result is that perhaps they suffer more, because they go to other banks.

No. 36012/31/90-Estt (SCT)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, the 13th August, 1990.

OFFICE MEMORANDUM

Subject: Recommendations of the Second Backward Classes Commission (Mandal Report)—Reservation for Socially and Educationally Backward Classes in services under the Government of India.

In a multiple undulating society like ours, early achievement of the objective of social justice as enshrined in the Constitution is a must. The Second Backward Classes Commission called the Mandal Commission was established by the then Government with this purpose in view, which submitted its report to the Government of India on 31.12.1980.

2. Government have carefully considdered the report and the recommendations of the Commission in the present context regarding the benefits to be extended to the socially and educationally beckward classes as opined by the Commission and are of the clear view that at the outset certain weightage has to be provided to such classes in the services of the Union and their public Undertakings. Accordingly orders are issued as follows :-

(i) 27% of the vacancies in civil posts and services under the Government of India shall be reserved for SEBC.

(ii) The aforesaid reservation shall apply to vacancies to be filled by direct recruitment. Detailed instructions relating to the procedure to be followed for enforcing reservation will be issued sparatly.

(iii) Candidats belonging to SEBS recruited on the basis of merit in an open competition on the same standards prescribed for the general candidates shall not be adjusted against the reservation quota of 27%.

(iv) The SEBC would comprise in the first phase the castes and communities which are common to both the list in the report of the Mandal Commission and the State Government's lists. A

(v) The aforesaid reservation shall take effect from 7.8.1990. However, this will not apply to vacancies where the recruitment process has already been initiated prior to the issue of these orders.

3. Similar instructions in respect of public sector undertakings and financial institutions including public sector banks will be issued by the Department of Public Enterprises and Ministery of Finance frespectively.

(Smt. Krishna Singh)
Joint Secretary to the Govt. of India.

To
All Ministeries/Departments of Govt. of India

Copy to
1. Department of Public Enterprises, New Delhi.

2. Ministry of Finance (Banking & Insurance Divisions) New Delhi.

(It is requested that similar instructions may be issued in respect of public sector undertakings, public sector banks and insurance corporations.)

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PUBLISHERS' NOTE

The Report is contained in seven volumes It has been reproduced in full and nothing left over.

It is a historical document and shall leave a mark for its importance. The authorities at the helm of affairs, especially our worthy Prime Minister, Shri V.P.Singh, deserves heartiest congratulations from the public in general and other Backward classes in particular for his most sincere efforts in bringing the Mandal Commission Report on the Statute Book.

It is a volumnous book and deserves thorough study to appreciate the practical work and pains taken in its true spirit by the members of the Commission.

A list of the castes existing at present has already been included in the Book. A list of castes included therein after 7 August 1990, when available, shall be available with the Publishers.

The Publishers have tried to explain the subject matter its pros and cons, to their best ability in the chapter 'Indtroductory comments', which would add to the knowledge of their patrons.

Thanking you.

Publishers.

People's Version On Mandal Commission Report

Having made the promise to implement the Mandal Commission report in its election manifesto, the National Front Government could not have gone back on it except at the risk of forfeiting the people's confidence. Although its implementation is a fait accompli, the Government has been shying away from taking the plunge because of its explosive potential. It is paradoxieal that a nation committed to establishing an egalitarian society should, after 40 years of self rule, find it necessary to rely on its caste moorings.

The Mandal Commission had depended solely on the system of caste in classifying the people as either backward or forward. Thus by the sheer accident of birth, 52 percent of the population and 3,000 castes have found themselves clubbed as socially and educationally backward needing the crutch of reservation.

Reservation for the new class has been pegged at 27 per cent because it is the maximum possible in view of the Supreme Court decision that reservation cannot be stretched beyond 50 per cent. Mr. V.P.Singh's suo moto statement is silent on various other aspects of the controversial report. He has sought to overcome a knotty problem by making available reservation only to those castes whose names appear in the report and who are entitled to it in their own States.

Clarification on whether the new reservation would be applicable to universities and colleges and also to promotions as had been recommended by the Commission is yet to come.

There are already a few States where 50 per cent of all Government jobs are reserved. Thus, for argument sake, there is nothing extraordinary about the decision as it brings to the Centre what is prevalent at the State-level. As the Commission itself had predicted, the implementation would cause "heart burning" among who have been left over.

One of the basic flaws of the policy is that it does not at all take into account economic backwardness as a criterion. Just as there are rich people among the backward castes, there are indigent among the non-backward castes, who too deserve a share of the jobs. There is no guarantee that the beneficiaries of the new policy will unnecessarily be poor. This calls for a provision to bar those who have once availed of reservation from receiving it again in the larger interests of the communities concerned. But such lofty considerations cannot be expected to influence the Government which is bent upon cultivating its vote banks. This apart, reservation does not make much sense when there are only a few jobs available, what is, thereforre, required is more jobs and not more reservations.

Government In Favour Of More Reservations

Our worthy Prime Minister announced in the Rajya Sabha that "The National Front Government is prepared to amend the Constitution to reserve 40 per cent in Parliament and the State Assemblies for the poor if there is a consensus among all the political parties. This was announced by Mr.V.P.Singh in August 1990, while giving clarifications on the points raised by members on his statement on 7 August, 1990 regarding the Government's decision to

implement the Mandal Commission report for backward classes.

"The Government is ready to interact with the other parties on this issue," Mr.V.P.Singh said adding that it would come forward with a Constitution amendment Bill to give effect to right to work as a fundamental right.

The Government would not dilute its decision to provide 27 per cent reservation of jobs in its services and organisations to the backward classes, common in the Mandal Commission report and the State Governments' lists. Mr.Singh pointed out, "We do not want to dilute it by adding other categories except socially, economically and educationally backward communities" referring to some members'suggestions to include a number of unlisted backward communities.

"Our ultimate goal is to give the backward communities their share in decision-making and in the society's power structure", the Prime Minister said commenting that his government's decision on the Mandal Commission report was only the first major step in this direction.

"Our main concern in how to distribute power among various sections of the society on an equal basis", he said.

Mr. V.P.Singh further said,"An expert committee would be asked to examine the question of reservation for those castes which did not find place in the State list but were in the Mandal Commission list. On providing reservation to the backward classes in educational institutions we will have to be strengthened from education point of view also. In my opinion, the country's socio-economic system was adversely biased towards the weaker sections. This required some 'bold decisions' to correct the picture by involving the poor in the policy making process. We need a change in the social order. All the social groups should have a share in the power structure. The reservation for the poor was the 'kind of social change' which the future generations would expect so that the poor could make their presence felt in the real places of power structure."

Mr.V.P.Singh informed the House that "The government was considering to give more legal powers to the Minorities Commission for which there had been a persistent demand from people. On every selection board there would be a representative from each of the minority communities and Scheduled Castes and Scheduled Tribes. It will be considered to have a backward class representative on the selection boards."

"The Government was thinking of taking measures to clear the back log in the reservation of posts for Scheduled Castes and Scheduled Tribes. The Government will also see to it that no back log builts up in the filling of posts for backward classes,"The Government would seriously consider proposal to give job reservation to women and the poor among the higher caste people. The Government had taken note of a suggestion for setting up a backward classes Commission on the lines of those for the Scheduled Castes and the Scheduled Tribes."

On the possible reaction among the upper castes people due to the Government's decision on the Mandal Commission report, Mr.V.P.Singh said that "They will understand the whole issue once

it is explained to them properly".

Blind Concerned At Reservations

The National Federation of the Blind has expressed concern at the recent announcement made by Prime Minister about 27 per cent reservations for backward classes, fearing that it would lead to scrapping of the existing three per cent reservation quota for the disabled including blind, in government jobs. Since the Government cannot make reservation exceeding 50 per cent, according to a supreme court judgement, the quota for the disabled and ex-servicemen will have to be done away with, according to the Federation. The Federation for Blind demanded that the government should make its stand clear immediately on the issue of reservations for the disabled and the ex-servicemen as the matter had caused considerable alarm in the minds of people belonging to both these categories.

Reservation Also In Promotions

The Supreme Court has declared that the policy of reservations in favour of Scheduled Castes and Tribes Officers is applicable even in case of promotion within the officers cadre (Junior management I grades scale to top executive grade scale VII). The Supreme Court declared that the Syndicate Bank had denied the benefits of reservation to the SC and ST officers on the ground that promotions within the officers cadre was based on the selection method and therefore no reservation was applicable.

The Supreme Court negatived the above objection and contention of the Syndicate Bank and held that though in the Syndicate Bank promotions within group 'A' posts of officers (from JMGS-I to TEGS-VII) are based on the selection method, still the reservation policy is applicable. The Supreme Court directed the application of the reservation policy to promotions within the officers cadre with effect from the date of introduction of the reservation policy in the Syndicate Bank that is January 1,1978.

The Supreme Court further directed that all consequential benefits, including salary, allowances, seniority and promotions, should be worked out accordingly and given to the SC and ST officers after applying the roster system in their favour.

Reservation Quota Policy To Stay

There is no going back on the Prime Minister's policy announcement providing 27 per cent job reservations in Central Government services and public sector undertakings for backward classes regardless of the agitation by elements opposed to it in different States.

The Government took a decision on the Mandal Commission report on backward classes after detailed discussions at various levels and in consultation with leaders of political parties and the States. The principle of job reservations for backward classes had been fully accepted by the political parties including the Congress (I), the BJP and the left parties.

The Centre hopes that since the agitation, which is presently confined to the States run by the Janta Dal, the party leadership will take the necessary step to explain to the people the

rationale behind the policy decision based on a promise made under the National Front election manifesto. It is realised that apart from opposition parties, a section of the ruling party is also giving indirect encouragement to the agitation.

A certain show of resentment by the upper castes against the new reservation policy is not unexpected but it is felt that the State Governments should take the necessary preventive, as well as educative, steps to deal with the situation. Instructions to this effect have been sent to the Chief Ministers with particular emphasis on steps to prevent violence in general and between different castes in particular.

The Central Government feels that backward classes have been denied a share in the management of their affairs for so long and they have a role to play in shaping their lives. They could achieve by being in the Government where major decisions are taken and also implemented by the bureaucracy. In the southern States, reservation policy was already in force and in some States in the North, already had a reservation policy.

The Central decision applied only to Central Government offices and public sector undertakings and the States are free to draft their own respective policies in keeping with the local requirements.

Some Divergent Views On Reservation

The logic of reserving 49 per cent government jobs is baseless and irrational of the total population of SCs, STs and other backward classes hardly 10 per cent, are able to reach the graduate level and still less clear the engineering, medical and other professional courses. Also most of the so called reserved category persons are engaged as labourers, peasants, artisons etc. Thus it is highly irrational to reserve 49 per cent jobs for less than 10 per cent qualified and eligible persons belonging to the reserved classes.

It is also not possible to maintain a reasonable standard of efficiency where a 21 year old with above 90 per cent marks, has to compete with an over 30 year old with 40 per cent marks, who has already availed all the facilities right from the admission to school and college with scholarship and even for coaching and other financial facilities.

The reservation policy is against Article 16 of the Constitution which provides for equality to all citizens. The Constitution also clearly states that "The claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration in the matter of appointment to services and posts under Union and States as far as may be consistent with the maintenance of efficiency of administration (Article 335)."

There are numerous instances where the so called reserved class persons' families are quite well off and are doctors, engineers and gazetted officers. Their children continue to avail all the benefits of the reserved class. Therefore, only one job should be reserved for a family of SC/ST. That will also encourage them to have fewer children.

The policy of not filling the reserved vacancies in the absence

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The policy of not filling the reserved vacancies in the absence

of the availabilty of suitable candidates is very detrimental to the efficiency of the government services. It has already been made clear that there are more jobs for the reserved class people than the number of candidates with requisite qualifications.

As the reservation policy eats away jobs, persons are forced to migrate leading to harm drain Government must reconsider its decision regarding reservation otherwise the educated and well qualified youth will feel betryed being pushed back for not having the 'Golden certificate of Reserved class.'

The unfortunate decision to introduce 27 per cent reservation in addition to the already existing reservation for SCs and STs is nothing but an attempt at showing up the ruling party's support base and pinning down factional challenges to its authority.

The decision is frought with dangerous consequences. The policy of reservation for SCs and STs who have been and ramain the victims of caste oppression, is justifiable but OBCs and SEBCs certainly do not fall in this category. Extension of luxury of reservation under the garb of amehorating the condition of this section of society is like cutting the foot to suit the boot. Instead the government should have tried to provide them with more basic amenities. More jobs should be created.

The price for an uncertain and short term political game may well be immediate civil disorder, confiscation of caste divisions and weakening of our major institutions. The Government is opening the flood gates of turbulence.

Decision On Job Reservations Strongly Defended By Prime Minister

The Prime Minister while delivering his maiden speech from the ramparts of the Red Fort on the Independence Day on 15th August, 1990, defended the decision of the Government on job reservations for the backward classes and said that whereas the backward classes constituted 52 per cent of the population they had only 14.5 per cent share in Government jobs. The share was so low as 4.5 per cent in class I services.

He appealed to the youth to view the decision of the Government in the right prospective, 'instead of caring for their individual careers the youth should think about their neglected brathrens.'

Reservation-A Magnanimous Decision

The National Front Government deserves congratulation and salute for their acceptance of the long overdue Mandal Commission Report.

It is a measure of the present government's concern for the socially and educationally backward classes. This magnanimous decision will gladden the hearts of millions of our backward people.

Members of the SEBCs will never forget the immense debt of gratitude they owe to the present government headed by Prime Minister Shri V.P.Singh.

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The National Front Government deserves congratulation and salute for their acceptance of the long overdue Mandal Commission Report.

It is a measure of the present government's concern for the socially and educationally backward classes. This magnanimous decision will gladden the hearts of millions of our backward people.

Members of the SEBCs will never forget the immense debt of gratitude they owe to the present government headed by Prime Minister Shri V.P.Singh.

Reservation A Long Awaited Dream Come True.

Since the year of Independence in 1947 the SEBCs were never given a fair deal. Thanks to the Mandal Commission who have catered for 27% reservation for SEBCs, in their report, since approved by both houses of the Parliament.

So long it was just a dream which has now come true in the shape of reservation of posts in the Central Government and Public sector undertakings. SEBCs shall have a sigh of relief to know that they have after all been fairly considered and justice meted out to them which they very well deserved and thus their cherished hopes bloomed.

A Word Above The Mandal Commission Report

The first Backward classes Commission was set up on January 29th, 1953 and submitted its report on March 30th, 1955. The recommendations of the Commission for the upliftment of the backward classes were extremely wide-ranging and comprehensive. The commission, however, could not present an unanimous report. Some of the Members were opposed to the reservations of posts on the basis of caste. On the other hand, one of the Members strongly advocated the acceptance of caste as the criterion for backwardness. Even the chairman of the commission, known as KAKA KALELKAR COMMISSION, took a rather equivoeal stand. Though he did not record a formal minute of dissent he opposed the acceptance of caste as the basis for backwardness. Incidentally, the KAKA KALELKAR COMMISSION'S REPORT was not discussed by the Parliament.

One of the important reasons as to why the aforesaid Report was not accepted by the government was that it had not worked out objective tests and criteria for the proper classification of socially and educationally backward classes.

The Mandal Commission has constantly kept the above requirements in view in planning the scope of its activities.

The Mandal Commission was formally inaugurated by the then Prime Minister on March 21st,1979. In April 1979, the Commission issued three questionaires to all the State Governments, Central Ministries/Departments and the General Public.

The Commission undertook extensive tours of the country to have first hand information from various communities and sections of the public on the problem of social and educational backward ness. This proved to be a most fruitful exercise and gave the commission deep insight into the problems and conditions of other Backward classes and the way various sections of society react to these.

A number of people's representatives were invited to tender evidence on various problems pertaining to the socially and educationally backward classes. In 1979, quite a large number of the Lok Sabha members appeared before the Commmission along with Rajya Sabha Members.

Survey reports and monographs prepared by the Indian Council of Social Sciences Research, New Delhi, Labour Bureau (Ministry of Labour), National Labour Institute and other similar Institutions provided the Commission with a mine of useful information on the

conditions and problems of socially and educationally backward classes.

The Commission has taken pains to study and go deep into the subjects of (1) social backwardness and caste, (2) social dynamics of caste, (3) social justice, merit and privilege, (4) backward classes welfare, (5) Comparison of backward classes in various states, etc.etc.

In one of the chapters in the Report the Commission has given a review of the evidence recorded in respect of Central and State Governments as well as evidence by the public concerning the subjects under consideration of the Commission.

The Commission has recorded its observations on the subjects of socio-educational field survey and criteria of backwardness on the basis of which socially and educationally backward classes may be identified.

In one of the chapters of the report the Commission has given their recommendations in nut shell. The Commission is of the view that handicaps are embedded in our social structure and their removal will require far-reaching structural changes and changes in the perception of the problems of OBCs by the ruling classes of the country. According to the Commission one such change in the attitude of ruling elite pertains to the provision of reservation in government services and educational institutions for the candidates of OBCs.

The Commission is aware of the fact that reservation for OBCs will cause a lot of heart burning to others but the mere fact of this heart burning cannot be allowed to operate as a moral veto against social reform.

The quantum and scheme of reservation has been explained by the Commission in their recommendations and they have recommended a reservation of 27% only even though the population of OBCs is almost twice, keeping in view the legal restrains that the total reservation of SC, ST and OBCs should not exceed 50%.

In the last chapter, the Commission has given a summary of the Report in order to enlighten the minds of all those concerned with the subject of OBCs.

List of Scheduled Castes And Scheduled Tribes As per Broucher on Reservation for Scheduled Castes And Scheduled Tribes in Services 1987, 7th Edn.brought out by Govt.of India Ministry of Personal, Public Grievances and Persions Department of Personal And Training, New Delhi.

SCHEDULED CASTES

Andhra Pradesh

1. Adi Andhra
2. Adı Dravida
3. Anamuk
4. Aray Mala
5. Arundhatiya
6. Arwa Mala
7. Bariki
8. Vavuri
9. Beda Jangam, Budga Jangam
10. Bindla
11. Byagra
12. Chachati
13. Chalavadi
14. Chamar, Mochi, Muchi
15. Chambhar
16. Chandala
17. Dakkal, Dokkalwar
18. Dandasi
19. Dhor
20. Dom, Dombara, Paidi, Pano
21. Ellamalawar, Yellammalawandlu
22. Ghasi, Haddi, Relli Chachandi
23. Gedagali
24. Godari
25. Gosangi
26. Holeya
27. Holeya Dasari
28. Jaggali
29. Jambuvulu
30. Kolupulvandlu
31. Madasi Kuruva, Madari Kuruva
32. Madiga
33. Madiga Dasu, Mashteen
34. Mahar
35. Mala
36. Mala Dasari
37. Mala Dasu
38. Mala Hannai
39. Malajangam
40. Mala Masti
41. Mala Sale, Netkani
42. Mala Sanyasi
43. Mang
44. Mang Garodi
45. Manne
46. Mashti
47. Matangi
48. Mehtar

49. Mitha Ayyalvar
50. Mundala
51. Paky, Moti, Thoti
52. Pambada, Pambanda
53. Pamidi
54. Panchama, Pariah
55. Relli
56. Samagara
57. Samban
58. Sapru
59. Sindhollu, Chindollu

Assam

1. Bansphor
2. Bhuinmali, Mali
3. Brittial Bania, Bania
4. Dhupi, Dhobi
5. Dugla, Dholi
6. Hira
7. Jalkeot
8. Jhalo, Malo, Jhalo-Malo
9. Kaibartta, Jaliya
10. Lalbegi
11. Mahara
12. Mehtar, Bhangi
13. Muchi, Rishi
14. Namasudra
15. Patni
16. Sutradhar

Bihar

1. Bantar
2. Bauri
3. Bhogta
4. Bhuiya
5. Bhumij (excluding North Chotanagpur and South Chotanagpur divisions and Santal Parganas district)
6. Chamar, Mochi
7. Chaupal
8. Dabgar
9. Dhobi
10. Dom, Dhangad
11. Dusadh, Dhari, Dharhi
12. Ghasi
13. Halalkhor
14. Hari, Mehtar, Bhangi
15. Kanjar
16. Kurariar
17. Lalbegi
18. Musahar
19. Nat
20. Pan, Sawasi
21. Pasi
22. Rajwar
23. Turi

Gujarat

1. Ager
2. Bakad, Bant
3. Bawa-Dedh, Dedh-Sadhu
4. Bhambi, Bhambhi, Asadaru, Asodi, Chamadia, Chamar, Chambhar, Chamgar, Haralayya, Harali, Khalpa, Machigar, Mochigar, Madar, Madig, Mochi, Nalia, Telegu Mochi, Kamati, Mochi, Ranigar, Rohidas, Rohit, Samgar
5. Bhangi, Mehtar, Olgana, Rukhi, Malkana, Halalkhor, Lelbegi, Balmiki, Korar, Zadmalli
6. Chalvadi, Channayya
7. Chenna Dasar, Holaya Dasar
8. Dangashia
9. Dhor, Kakkayya, Kankayya
10. Garmatang
11. Garoda, Garo
12. Halleer
13. Halsar, Haslar, Hulasvar, Halasvar
14. Holar, Valhar
15. Holaya, Holer
16. Lingader
17. Mahar, Taral, Dhegu Megu
18. Mahyavansi, Dhed, Dhedh, Vankar, Maru Vankar, Antyaj
19. Mang, Matang, Minimadig
20. Mang-Garudi
21. Meghval, Meghwal, Menghvar
22. Mukri
23. Nadia, Hadi
24. Pasi
25. Senva, Shenva, Chenva, Sedma, Rawat
26. Shemalia
27. Thori
28. Tirgar, Tirbanda
29. Turi
30. Turi Barot, Dedh Barot

Haryana

1. Ad Dharmi
2. Balmiki, Chura, Bhangi
3. Bangali
4. Barar, Burar, Berar
5. Batwal
6. Bauria, Bawaria
7. Bazigar
8. Bhanjra
9. Chamar, Jatia Chamar, Rehgar, Raigar, Ramdasi, Ravidasi

10. Chanal
11. Dagi
12. Darain
13. Deha, Dhaya, Dhea
14. Dhanak
15. Dhogri, Dhangri, Siggi
16. Dumna, Mahasha, Doom
17. Gagra
18. Gandhila, Gandil Gondola
19. Kabirpanthi, Julaha
20. Khatik
21. Kori, Koli
22. Marija, Marecha
23. Mazhabi
24. Megh
25. Nat
26. Od
27. Pasi
28. Perna
29. Pherera
30. Sanhai
31. Sanhal
32. Sansi, Bhedkut, Manesh
33. Sansoi
34. Sapela
35. Sarera
36. Sikligar
37. Sirkiband

Himachal Pradesh

1. Ad Dharmi
2. Bandhi, Nagalu
3. Balmiki, Bhangi, Chuhra, Chura, Chuhre
4. Bandhela
5. Bangali
6. Banjara
7. Bansi
8. Barad
9. Barar, Burar, Berar
10. Batwal
11. Bauria, Bawaria
12. Bazigar
13. Bhanjra, Bhanjre
14. Chamar, Jatia, Chamar, Rehgar, Raigar, Ramdasi, Ravidasi, Ramdasia, Mochi
15. Chanal
16. Chhimbe, Dhobi
17. Dagi
18. Darain
19. Darai, Daryai
20. Daule, Daole
21. Dhaki, Toori
22. Dhanak
23. Dhaogri, Dhuai
24. Dhogri, Dhangri, Siggi
25. Doom, Doomna, Dumna, Dumne, Mahasha
26. Gagra

27. Gandhila, Gandil Gondola
28. Hali
29. Hesi
30. Jogi
31. Julaha, Julahe,
    Kabirpanthi, Keer
32. Kamoh, Dagoli
33. Karoack
34. Khatik
35. Kori, Koli
36. Lohar
37. Marija, Marecha
38. Mazhabi
39. Megh
40. Nat
41. Od
42. Pasi
43. Perna
44. Phrera, Pherera
45. Rehar, Rehara
46. Sanhai
47. Sanhal
48. Sansi, Bhedkut, Manesh
49. Sansoi
50. Sapela
51. Sarde, Sarera, Sarare,
    Siryara, Sarehde
52. Sikligar
53. Sipi
54. Sirkiband
55. Teli
56. Thathiar Thathera

Jammu and Kashmir

1. Barwala
2. Basith
3. Batwal
4. Chamar or Ramdasia
5. Chura
6. Dhyar
7. Doom or Mahasha
8. Gardi
9. Jolaha
10. Megh or Kabirpanthi
11. Ratal
12. Saryana
13. Watal

Karnataka

1. Adi Andhra
2. Adi Dravida
3. Adi Karnataka
4. Adiya (in Coorg district)
5. Ager
6. Ajila
7. Anamuk
8. Arya Mala
9. Arunthathiyar
10. Arwa Mala

11. Baira
12. Bakad
13. Bant in Belgaum, Bijapuf, Dharwar and North Kanara District)
14. Bakuda
15. Balagai
16. Bandi
17. Banjara, Lambani
18. Bathada
19. Beda Jangam, Budga Jangam
20. Bellara
21. Bhangi, Mehtar, Olgana, Rukhi; Malkana, Halalkhor, Lalbegi, Balmiki Korzar, Zadmalli
22. Bhambi, Bhambhi, Asadaru, Asodi, Chammadia Chamar, Chambhar, Chamgar, Haralayya, Harali, Khalpa, Machigor, Mochigar, Madar, Madig, Mochi, Muchi, Telegu Mochi, Kamati, Mochi, Ranigar, Rohidas, Rohit; Samgar
23. Bhovi
24. Bindla
25. Byagara
26. Chakkiliyan
27. Chalavadi, Chalvadi, Channayya
28. Chandala
29. Chenna Dasar, Hoolaya Dasar
30. Dakkal, Dokkalwar
31. Dakkaliga
32. Dhor, Kakkayya, Kankayya
33. Dom, Dombara, Paidi, Pano
34. Ellamalwar, Yellammalawandlu
35. Ganti Chores
36. Groda, Garo
37. Godda
38. Gosangi
39. Haleer
40. Halsar, Haslar, Hulasvar, Halasvar
41. Handi Jogis
42. Hasla
43. Holar, Valhar
44. Holaya, Holer, Holeya
45. Holeya Dasari
46. Jaggali
47. Jambuvulu
48. Kadaiyan
49. Kalladi
50. Kepmaris
51. Kolupulvandlu
52. Koosa
53. Koracha
54. Korama

55. Kotegar, Metri
56. Kudumban
57. Kuravan
58. Lingader
59. Machala
60. Madari
61. Madiga
62. Mahar, Taral, Dhegu Megu
63. Mahyavanshi, Dhed, Vankar, Maru Vankar
64. Maila
65. Mala
66. Mala Desari
67. Mala Hannai
68. Mala Jangam
69. Mala Masti
70. Mala Sale, Netkani
71. Mala Sanyasi
72. Mang, Matang, Minimadig
73. Mang Garudi, Mang Garodi
74. Manne
75. Masthi
76. Mavilan
77. Meghval, Menghvar
78. Moger
79. Mukri
80. Mundala
81. Nadia, Hadi
82. Nalkadaya
83. Nalakeyava
84. Nayadi
85. Pale
86. Pallan
87. Pambada
88. Panchama
89. Panniandi
90. Paraiyan, Paraya
91. Paravan
92. Raneyar
93. Samagara
94. Samban
95. Sapari
96. Sillekyathas
97. Sindhollu, Chindollu
98. Sudugadu Siddha
99. Thoti
100. Tirgar, Tirbanda
101. Valluvan

Kerala

1. Adi Andhra
2. Adi Dravida
3. Adi Karnataka
4. Ajila
5. Arunthathiyar
6. Ayyanavar
7. Baira
8. Bakuda
9. Bandi
10. Bathada

11. Ballara
12. Bharatar
13. Boyan [excluding the areas comprising the Malabar district as specified by sub-section (2) of section 5 of the States Reorganisation Act, 1956 (37 of 1956)].
14. Chakkiliyan
15. Chamar, Muchi
16. Chandala
17. Cheruman
18. Domban
19. Gavara
20. Godagali
21. Godda
22. Gosangi
23. Hasla
24. Holeya
25. Kadaiyan
26. Kakkalan
27. Kalladi
28. Kanakkan, Padanna
29. Karimpalan
30. Kavara
31. Koosa
32. Kootan, Koodan
33. Kudumban
34. Kuravan, Sidhanar
35. Maila
36. Malayan [in the areas comprising the Malabar district as specified by sub-section (2) of section 5 of the States Reorganisation Act, 1956 (37 of 1956)].
37. Mannan
38. Mavilan
39. Moger
40. Mundala
41. Nalakeyava
42. Naladyaya
43. Nayadi
44. Padannan
45. Pallan
46. Palluvan
47. Pambada
48. Panan
49. Panchama
50. Paraiyan, Parayan, Sambavar
51. Paravan
52. Pathiyan
53. Perumannan
54. Pulayan, Cheramar
55. Pulaya Vettuvan
56. Puthirai Vannan
57. Raneyar
58. Samagara

59. Samban
60. Semman
61. Thandan
62. Thoti
63. Vallon
64. Valluvan
65. Vannan
66. Velan
67. Vetan
68. Vettuvan

Madhya Pradesh

1. Audhelia
2. Bagri, Bagdi
3. Bahna, Bahana
4. Balahi, Balai
5. Banchada
6. Barahar, Basod
7. Bargunda
8. Basor, Burud, Bansor, Bansodi, Bansphor, Basar
9. Bedia
10. Beldar, Sunkar
11. Bhangi, Mehtar, Balmik, Lalbegi, Dharkar
12. Bhanumati
13. Chadar
14. Chamar, Chamari, Bairwa, Bhambi, Jatav, Mochi, Regar, Nona, Rohidas, Ramnami, Satnami, Surjyabanshi, Surjyaramnami, Ahirwar, Chamar Mangan, Raidas
15. Chidar
16. Chaikwa, Chikvi
17. Chitar
18. Dahait, Dahayat, Dahat
19. Dewar
20. Dhanuk
21. Dhed, Dher
22. Dhobi (in Bhopal, Raisen and Sehore districts)
23. Dohor
24. Dom, Dumar, Dome, Domer, Doris
25. Ganda, Gandi
26. Ghasi, Ghasia
27. Holiya
28. Kanjar
29. Katia, Patharia
30. Khatik
31. Koli, Kori
32. Kotwal (in Bhind, Dhar, Dewas, Guna, Gwalior, Indore, Jhabua, Khargone, Mandsaur, Morena, Rajgarh, Ratlam, Shajapur, Shivpuri, Ujjain and

Vidisha districts)
33. Khangar, Kanera, Mirdha
34. Kuchbandhia
35. Kumhar (in Chhatarpur, Datia, Panna, Rewa, Satna, Shahdol, Sidhi and Tikamgarh districts)
36. Mahar, Mehra, Mehar
37. Mang, Mang Garodi, Mang Garudi, Dankhni Mang, Mang Mahasi, Madari Garudi, Radhe Mang.
38. Mehgwal
39. Moghia
40. Muskhan
41. Nat, Kalbelia, Sapera, Navdigar, Kubutar
42. Pardhi (in Bhind, Dhar, Dewas, Guna, Gwalior, Indore, Jhabua, Khargone, Mandsaur, Morena, Rajgarh, Ratlam, Shajapur, Shivpuri, Ujjain and Vidisha districts)
43. Pasi
44. Rujjhar
45. Samsi, Sansia
46. Silawat
47. Zamral.

Maharashtra

1. Ager
2. Anamuk
3. Aray Mala
4. Arwa Mala
5. Bahna, Bahana
6. Bakad, Bant
7. Balahi, Balai
8. Basor, Burud, Bansor' Bansodi
9. Beda, Jangam, Budga Jongam
10. Bedar
11. Bhambi, Bhambhi, Asadaru, Asodi, Chamadia, Chamar, Chamari, Chambhar, Chamgar, Haralayya, Harali, Khalpa Machigar, Mochigar, Madar, Madig, Mochi, Telugu Mochi, Kamati Mochis, Ranigar, Rohidas, Nona, Ramnami, Rohit, Samgar, Samagara, Satnami, Surjyabanshi, Surjyaramnami, Surjyabanshi,Surjyaramnami.
12. Bhangi, Mehtar, Olgana, Rukhi, Malkana, Halalkhor, Lalbegi, Balmiki, Korar, Zadmalli
13. Bindla

14. Byagara
15. Chalvadi, Channayya
16. Chenna Dasar, Holaya Dasar, Holeya Dasari
17. Dakkal, Dokkalwar
18. Dhor, Kakkayya, Kankayya, Dohor
19. Dom, Dumar
20. Ellamalvar, Yellammalawandlu
21. Ganda, Gandi
22. Garoda, Garo
23. Ghasi, Ghasia
24. Haleer
25. Halsar, Haslar, Hulasvar, Halasvar
26. Holar, Valhar
27. Holaya, Holer, Holeya, Holiya
28. Kaikadi (in Akola, Amravati, Bhandara, Buldana, Nagpur, Wardha and Yavatmal districts and Chandrapur district, other than Rajura tahsil)
29. Katia, Patharia
30. Khangar, Kanera, Mirdha
31. Khatik, Chikwa, Chikvi
32. Kolupulvandlu
33. Kori
34. Lingader
35. Madgi
36. Madiga
37. Mahar, Mehra, Taral, Dhegu Megu
38. Mahyavanshi, Dhed, Vankar, Maru Vankar
39. Mala
40. Mala Dasari
41. Mala Hannai
42. Mala Jangam
43. Mala Masti
44. Mala Sale, Netkani
45. Mala Sanyasi
46. Mang, Matang, Minimadig, Dankhni Mang, Mang Mahashi, Madari, Garudi, Radhe Mang
47. Mang Garodi, Mang Garudi
48. Manne
49. Mashti
50. Meghval, Menghvar
51. Mitha Ayyalvar
52. Mukri
53. Nadia, Hadi
54. Pasi
55. Sansi
56. Shenva, Chenva, Sedma, Ravat
57. Sindholu, Chindollu
58. Tirgar, Tirbanda
59. Turi

Manipur

1. Dhupi, Dhobi
2. Lois
3. Muchi, Ravidas
4. Namasudra
5. Patni
6. Sutradhar
7. Yaithibi

Meghalaya

1. Bansphor
2. Bhuinmali, Mali
3. Brittial Bania, Bania
4. Dhupi, Dhobi
5. Dugla, Dholi
6. Hira
7. Jalkeot
8. Basor, Barud, Bansor, Bansodi
9. Beda, Jangam, Budga Jangam
10. Lalbegi
11. Mahara
12. Mehtar, Bhangi
13. Muchi, Rishi
14. Namasudra
15. Patni
16. Sutradhar.

Orissa

1. Adi Andhra
2. Amant, Amat
3. Audhelia
4. Badaik
5. Bagheti, Baghuti
6. Bajikar
7. Bari
8. Bariki
9. Basor, Burud
10. Bauri
11. Bauti
12. Bavuri
13. Bedia, Bejia
14. Beldar
15. Bhata
16. Bhoi
17. Chachati
18. Chakali
19. Chamar, Mochi, Muchi Satnami
20. Chandala
21. Chandhai Maru
22. Cherua, Chhelia
23. Dandasi
24. Dewar
25. Dhanwar
26. Dhoba, Dhobi
27. Dom, Dombo, Duria Dom

58. Samagara

28. Dosadha
29. Ganda
30. Ghantarghada, Ghantra
31. Ghasi, Ghasia
32. Ghogia
33. Ghusuria
34. Godagali
35. Godari
36. Godra
37. Gokha
38. Gorait, Korait
39. Haddi, Hadi, Hari
40. Irika
41. Jaggali
42. Kandra, Kandara
43. Karua
44. katia
45. Kela
46. Khadala
47. Kodalo, Khodalo
48. Kori
49. Kummari
50. Kurunga
51. Laban
52. Laheri
53. Madari
54. Madiga
55. Mahuria
56. Mala, Jhala, Malo, Zala
57. Mang
58. Mangan
59. Mehra, Mahar
60. Mehtar, Bhangi
61. Mewar
62. Mundapotta
63. Musahar
64. Nagarchi
65. Namasudra
66. Paidi
67. Painda
68. Pamidi
69. Pan, Pano
70. Panchama
71. Panika
72. Panka
73. Pantanti
74. Pap
75. Pasi
76. Patial, Patikar, Patratanti, Patua
77. Rajna
78. Relli
79. Sabakhia
80. Samasi
81. Sanei
82. Sapari
83. Sauntia, Santia
84. Sidhria
85. Singhuria
86. Siyal
87. Tamadia

88. Tamudia
89. Tanla
90. Tiar, Tior
91. Turi
92. Ujia
93. Valamiki, Valmiki

According to the Constitution (Scheduled Castes) Order, 1950 as amended, only Dewar Community has been specified as a Scheduled Caste throughout Orissa State. But in view of the judgement delievered by the High Court of Orissa in the case of Narayan Behra Vs.State of Orissa Dhibara, Keuta, Kaibarta have to be treated as synonymous names of 'Dewar' community which has already been specified as Scheduled Caste in relation to Orissa State. The formal inclusion of these names in the list of Scheduled Castes can be done only when a legislation is enacted by Parliament in this respect.

The Scheduled Castes certificates to the eligible persons will be valid only if they are issued in the relevant name of the community entered in the Presidential Orders, i.e.'Dewar'.Before issuing such certificates it has also to be verified that the persons belonging to these communities fulfill all other conditions of elgibility set out in the Presidential Orders e.g.that the person should be a resident of the locality specified in relation to the respective Scheduled Castes from the date of notification of the Presidential Order etc.

Punjab

1. Ad Dharmi
2. Balmiki, Chura, Bhangi
3. Bangali
4. Barar, Burar, Berar
5. Batwal
6. Bauria, Bawaria
7. Bazigar
8. Bhanjra
9. Chamar, Jatia Chamar,

Rehgar, Raigar, Ramadasi, Ravidasi
10. Chanal
11. Dagi
12. Darain
13. Deha, Dhaya, Dhea
14. Dhanak
15. Dhogri, Dhangri, Siggi
16. Dumas, Mahasha, Doom
17. Gagra
18. Gandhila, Gandil, Gondola
19. Kabirpanthi, Julaha
20. Khatik
21. Kori, Koli
22. Marija, Marecha
23. Mazhabi
24. Megh
25. Nat
26. Od
27. Pasi
28. Perna
29. Pherera
30. Sanhai
31. Sanhal
32. Sansi, Bhedkut, Manesh
33. Sansoi
34. Sapela
35. Sarera
36. Sikligar
37. Sirkiband

Rajasthan

1. Adi Dharmi
2. Aheri
3. Badi
4. Bagri, Bagdi
5. Bairwa, Berwa
6. Bajgar
7. Balai
8. Bansphor, Bansphod
9. Baori
10. Bargo, Vargi, Birgi
11. Bawaria
12. Bedia, Beria
13. Bhand
14. Bhangi, Chura, Mehtar, Olgana, Rukhi, Malkana, Halalkhor, Lal-Begi, Balmiki, Valmiki Korar, Zadmalli.
15. Bidakia
16. Bola
17. Chamar, Bhambhi, Bambhi, Bhambi, Jatia Jatava, Mochi, Raidas, Rohıdas, Regar, Raigar, Ramdasia, Asadaru, Asodi Chamadia, Chambhar, Chamgar, Haraleayya, Harali, Khalpa, Machigar,

Mochigar, Madar, Madig, Telgu Mochi, Kamati Mochi, Ranigar, Rohit, Samgar.
18. Chandal
19. Debgar
20. Dhanak, Dhanuk
21. Dhankia
22. Dhobi
23. Dholi
24. Dome, Dom
25. Gandia
26. Garancha, Gancha
27. Garo, Garura, Gurda, Garoda
28. Gavaria
29. Godhi
30. Jingar
31. Kalbelia, Sapera
32. Kamad, Kamadia
33. Kanjar, Kunjar
34. Kapadia Sansi
35. Khangar
36. Khatiak
37. Koli, Kori
38. Kooch Band, Kuchband
39. Koria
40. Madari, Bazigar
41. Mahar, Taral, Dhegnmegu
42. Mahyavanshi, Dhed, Dheda, Vankat, Maru Vankar
43. Majhabi
44. Mang Matang, Minimadig
45. Mang Garodi, Mang Garudi
46. Megh, Meghwal, Menghvar
47. Mehar
48. Nat, Nut
49. Pasi
50. Rawal
51. Salvi
52. Sansi
53. Santia, Satia
54. Sarbhangi
55. Sargarà
56. Singiwala
57. Thori, Nayak
58. Tirgar, Tirbanda
59. Turi

Tamil Nadu

1. Adi Andhra
2. Adi Dravida
3. Adi Karnataka
4. Ajila
5. Arunthathiyar
6. Ayyanavar (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)
7. Baira
8. Bakuda

9. Bandi
10. Bellara
11. Bharatar (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)
12. Chakkiliyan
13. Chalavadi
14. Chamar, Muchi
15. Chandala
16. Cheruman
17. Devendrakulathan
18. Dom, Dombara, Paidi, Pane
19. Domban
20. Godagali
21. Godda
22. Gosangi
23. Holeya
24. Jaggali
25. Jambuvulu
26. Kadaiyan
27. Kakkalan (in Kanyakumari district . and Shenkottah taluk of Tirunelveli district)
28. Kalladi
29. Kanakkan, Padanna (in the Nilgiris district)
30. Karimpalan
31. Kavara (in kanyakumari district and Shenkottah taluk of Tiruneiveli district)
32. Koliyan
33. Koosa
34. Kootan, Koodan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)
35. Kudumban
36. Kuravan, Sidhanar
37. Madari
38. Madiga
39. Maila
40. Mala
41. Mannan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)
42. Mavilan
43. Moger
44. Mundala
45. Nalakeyava
46. Nayadi
47. Padannan (in Kanyakumari distrial and Shenkottah taluk of Tirunelveli district)
48. Pagadai
49. Pallan
50. Palluvan

51. Pambada
52. Panan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)
53. Panchama
54. Pannadi
55. Panniandi
56. Paraiyan Parayan, Sambavar
57. Paravan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)
58. Pathiyan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)
59. Pulayan, Cheramar
60. Puthirai Vannan
61. Raneyar
62. Samagara
63. Samban
64. Sapari
65. Semman
66. Thandan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)
67. Thoti
68. Tiruvalluvar
69. Vallon
70. Valluvan
71. Vannan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)
72. Vathiriyan
73. Velan
74. Vetan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)
75. Vettiyan
76. Vettuvan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)

Tripura

1. Bagdi
2. Bhuimali
3. Bhunar
4. Chamar, Muchi
5. Dandasi
6. Dhenuar
7. Dhoba
8. Dum
9. Ghasi
10. Gour
11. Gur

12. Jalia Kaibarta
13. Kahar
14. Kalindi
15. Kan
16. Kanda
17. Kanugh
18. Keot
19. Khadit
20. Kharia
21. Koch
22. Koir
23. Kol
24. Kora
25. Kotal
26. Mahisyadas
27. Mali
28. Mehtor
29. Musahar
30. Namasudra
31. Patni
32. Sabar.

Uttar Pradesh

1. Agariya
2. Badhik
3. Badi
4. Baheliya
5. Baiga
6. Baiswar
7. Bajaniya
8. Bajgi
9. Balahar
10. Balai
11. Balmiki
12. Bangali
13. Banmanus
14. Bansphor
15. Barwar
16. Basor
17. Bawariya
18. Beldar
19. Beriya
20. Bhaniu
21. Bhuiya
22. Bhuyiar
23. Boria
24. Chamar, Dhusia, Jhusia, Jatava
25. Cheree
26. Dabgar
27. Dhangar
28. Dhanuk
29. Dharkar
30. Dhobi
31. Domar
32. Domar
33. Dusadh
34. Gharami
35. Ghasiya
36. Gond

37. Gual
38. Habura
39. Hari
40. Hela
41. Kalabaz
42. Kanjar
43. Kapariya
44. Karwal
45. Khairaha
46. Kharwar (excluding Benbansi)
47. Khatik
48. Khorot
49. Kol
50. Kori
51. Korwa
52. Lalbegi
53. Majhwar
54. Mazhabi
55. Musahar
56. Nat
57. Pankha
58. Parahiya
59. Pasi, Tarmali
60. Patari
61. Rawat
62. Saharya
63. Sanaurhiya
64. Sansiya
65. Shilpkar
66. Turaiha

West Bengal

1. Bagli, Duley
2. Bahelia
3. Bait
4. Bantar
5. Bauel
6. Beldar
7. Bhogta
8. Bhumali
9. Bhuya
10. Bind
11. Chamar, Charmakar, Mochi, Muchi, Rabilas, Ruidas, Rishi
12. Chaupal
13. Dabgar
14. Damli (Nepali)
15. Dhoba, Dhobi
16. Doai
17. Dom, Dhangad
18. Dosadh, Dusadh, Dhari, Dharhi
19. Ghasi
20. Gonrhi
21. Halelkhor
22. Hari, Mehtar, Mehtor, Bhangi
23. Jalia Kaibartta

24. Jhalo Malo, Malo
25. Kadar
26. Kami (Nepali)
27. Kandra
28. Kanjar
29. Kaora
30. Karenga, Koranga
31. Kaur
32. Keot, Keyot
33. Khaira
34. Khatik
35. Koch
36. Konai
37. Konwar
38. Kotal
39. Kurariar
40. Lalbegi
41. Lohar
42. Mahar
43. Mal
44. Mallah
45. Musahar
46. Namasudra
47. Nat
48. Nuniya
49. Paliya
50. Pan, Sawasi
51. Pasi
52. Patni
53. Pod, Poundra
54. Rajbanshi
55. Rajwar
56. Sarki (Nepali)
57. Sunri (excluding Saha)
58. Tiyar
59. Turi

Delhi

Throughout the Union Territory:-

1. Adi-Dharmi
2. Agria
3. Aheria
4. Balai
5. Banjara
6. Bawaria
7. Bazigar
8. Bhangi
9. Bhil
10. Chamar, Chanwar Chamar Jatva or Jatav Chamar, Mochi, Ramdasia, Ravidasi, Raidasi, Rehgarh or Raigar
11. Chohra (Sweeper)
12. Chuhra (Balmiki)
13. Dhanak or Dhanuk
14. Dhobi
15. Dom
16. Gharrami
17. Julaha (Weaver)

18. Kabirpanthi
19. Kachhandha
20. Kanjar or Giarah
21. Khatik
22. Koli
23. Lalbegi
24. Madari
25. Mallah
26. Mazhabi
27. Maghwal
28. Naribut
29. Nat (Rana)
30. Pasi
31. Perna
32. Sansi or Bhedkut
33. Sapera
34. Sikligar
35. Singiwala or Kalbelia
36. Sirkiband

Chandigarh

1. Ad Dharmi
2. Bangali
3. Barar, Burar or Berar
4. Batwal
5. Bauria or Bawaria
6. Bazigar
7. Balmiki, Chura or Bhangi
8. Bhanjra
9. Chamar, Jatia Chamar, Rehgar Raigar, Ramdasi or Ravidasi,
10. Chanal
11. Dagi
12. Darain
13. Dhanak
14. Dhogri, Dhangri or Siggi
15. Dumna, Mahasha or Doom
16. Gagra
17. Gandhila or Gandhi Gondola
18. Kabirpanthi or Julaha
19. Khatik
20. Kori or Koli
21. Marija or Marecha
22. Mazhabi
23. Megh
24. Nat
25. Od
26. Pasi
27. Perna
28. [illegible]uerera
29. Sanbhai
30. Sanhal
31. Sansoi
32. Sansi, Bhedkut or Manesh
33. Sapela
34. Sarera
35. Sikligar
36. Sirkiband

Mizoram

Throughout the Union
Territory:—

1. Bansphor
2. Bhuinmali or Mali
3. Brittial Bania or Bania
4. Dhupi or Dhobi
5. Dugla or Dholi
6. Hira
7. Jalkeot
8. Jhalo, Malo, or Jhalo-Malo
9. Kaibartta or Jaliya
10. Lalbegi
11. Mahara
12. Mehtar or Bhangi
13. Muchi or Rishi
14. Namasudra
15. Patni
16. Sutradhar

Arunachal Pradesh

Throughout the Union
Territory

1. Bansphor
2. Bhinmali or Mali
3. Brittial-Bania or Bania
4. Dhupi or Dhobi
5. Dugla or Dholi
6. Hira
7. Jalkeot
8. Jhalo, Malo or Jhalo-Malo
9. Kaibartta or Jaliya
10. Lalbegi
11. Mahara
12. Mehtar or Bhangi
13. Muchi or Rishi
14. Namasudra
15. Patni
16. Sutradhar

Dadra annd Nagar Haveli

1. Bhangi
2. Chamar
3. Mahar
4. Mahyavanshi, Dhed

Pondicherry

1. Adi Andhra
2. Adi Dravida
3. Chakkiliyan
4. Jambuvulu
5. Kuravan
6. Madiga
7. Mala, Mala Masti
8. Paky

9. Pallan
10. Parayan, Sambavar
11. Samban
12. Thoti
13. Valluvan
14. Vetan
15. Vettiyan

Goa, Daman and Diu

Caste/Race/Tribe (1)	Synonym (2)
1. Bhangi	Hadi
2. Chambhar	
3. Mahar	
4. Mahyavanshi	Vankor
5. Mang	

The castes, races or tribes specified in column (1) above and the synonyms thereof, if any, specified in column (2) against each such caste, race or tribe shall, for the purpose of the Constitution, be deemed to be Scheduled Castes in relation to the Union territory of Goa, Daman and Diu so far as regards members thereof resident in that Union territory:

Provided than no person who professes a religion different from the Hindu or the Sikn reigion shall be demand to be a member of a Scheduled Caste.

Sikkim

1. Damai (Nepali)
2. Kami (Nepali), Lohar (Nepali)
3. Majni (Nepali)
1. Sarki (Nepali)

SCHEDULED TRIBES

Andhra Pradesh

1. Andh
2. Bagata
3. Bhil
4. Chenchu, Chenchwar
5. Gadabas
6. Gond, Naikpod, Rajgond
7. Goudu (in the Agency tracts)
8. Hill Reddis
9. Jatapus
10. Kammara
11. Kattunayakan
12. Kolam, Mannervarlu
13. Konda Dhoras
14. Konda Kapus
15. Kondareddis
16. Kondhs, Kodi, Kodhu, Desaya Kondhs, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondhs, Yenity Kondhs
17. Kotia, Bentho Oriya, Bartika, Dhulia, Dulia, Holva, Paiko Putiya, Sanrona, Sidhopaiko
18. Koya, Goud, Rajah, Rasha Koya, Lingadhari Koya (ordinary) Kottu Koya, Bhine Koya, Rajkoya
19. Kulia
20. Malis (excluding Adilabad, Hyderabad, Karimnagar, Khammam, Mahbubnagar, Medak, Nalgonda, Nizamabad and Warangal districts)
21. Manna Dhora
22. Mukha Dhora Nooka Dhora
23. Nayaks (in the Agency tracts)
24. Pardhan
25. Porja, Parangiperja
26. Reddi Dhoras
27. Rona, Rena
28. Sarvaras, Kapu Savaras, Maliya-Savaras, Khutto Savaras
29. Sungalis, Lambadia
30. Thoti (in Adilabad, Hyderabad, Karimnagar, Khammam, Mahbubnagar, Medak, Lalgonda, Nizamabad and Warangal districts)
31. Valmiki (in the Agency tracts)
32. Yenadis
33. Yerukulas.

Assam

I. In the autonomous districts:-

1. Chakma
2. Dimasa, Kachari
3. Garo
4. Hajong
5. Hmar
6. Khasi, Jaintia, Synteng, Pnar, War Bhoi, Lyngngama
7. Any Kuki Tribes, including:-
   (i) Biate, Biete
   (ii) Changsan
   (iii) Chongloi
   (iv) Doungel
   (v) Gamalkhou
   (vi) Gangte
   (vii) Guite
   (viii) Hanneng
   (ix) Haokip, Haupit
   (x) Haolai
   (xi) Hengna
   (xii) Hongsungh
   (xiii) Hrangkhwal, Rangkhol
   (xiv) Jongbe
   (xv) Khawchung
   (xvi) Khawathlang, Khothalong
   (xvii) Khelma
   (xviii) Kholhou
   (xix) Kipgen
   (xx) Kuki
   (xxi) Lengthang
   (xxii) Lhangum
   (xxiii) Lhoujem
   (xxiv) Lhouvun
   (xxv) Lupheng
   (xxvi) Mangjel
   (xxvii) Misao
   (xxviii) Riang
   (xxix) Sairhem
   (xxx) Selnam
   (xxxi) Singson
   (xxxii) Sitlhou
   (xxxiii) Sukte
   (xxxiv) Thadu
   (xxxv) Thangngeu
   (xxxvi) Uibuh
   (xxxvii) Vaiphel
8. Lakher
9. Man (Tai speaking)
10. Any Mizo (Lushai) tribes
11. Mikir
12. Any Naga tribes
13. Pawi
14. Syntheng.

II. In the State of Assam excluding the autonomous districts:-

1. Barmans in Cachar
2. Boro, Borokachari
3. Deori
4. Hojai
5. Kachari, Sonwal
6. Lalung
7. Mech
8. Miri
9. Rabha

Bihar

1. Asur
2. Baiga
3. Banjara
4. Bathudi
5. Bedia
6. Bhumij (in North Chotanagpur and South Chotanagpur divisions and santal Parganas districts)
7. Binjhia
8. Birhor
9. Birjia
10. Chero
11. Chik Baraik
12. Gond
13. Gorait
14. Ho
15. Karmali
16. Kharia
17. Kharwar
18. Khond
19. Kisan
20. Kora
21. Korwa
22. Lohara, Lohra
23. Mahli
24. Mal Paharia
25. Munda
26. Oraon
27. Parhaiya
28. Santal
29. Sauria Pahria
30. Savar.

Gujarat

1. Barda
2. Bavacha, Bamcha
3. Bharwad (in the Nesses of the forests of Alech, Barada and Gir)
4. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rewal Bhil, Tadvi Bhil, Bhagalia,

Bhilals, Pawra, Vasava,
5. Charan (in the Nesses of the forests of Alech, Barada and Gir)
6. Chaudhri (in Surat and Valsad districts)
7. Chodhara
8. Dhanka, Tadvi, Tetaria, Valvi
9. Dhodia
10. Dubla, Talavia, Halpati
11. Gamit, Gamta, Gavit, Mavchi, Padvi
12. Gond, Rajgond
13. Kathodi, Katkari, Dhor Kathodi, Dhor Katkari, Son Kathodi, Son Katkari
14. Kokna, Kokni, Kukna
15. Koli (in Kutch district)
16. Koli Dhor, Tokre Koli, Kolcha, Kolgha
17. Kunbi (in the Dangs district)
18. Naikda, Nayak, Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka
19. Padhar
20. Paradhi (in Kutch district)
21. Pardhi, Advichincher, Phanse Pardhi (excluding Amreli, Bhavnagar, Jamnagar, Junagadh, Kutch, Rajkot and Surendranagar districts)
22. Patelia
23. Pomla
24. Rabari (in the Nesses of the forests of Alech, Barada and Gir)
25. Rathawa
26. Siddi (in Amreli, Bhavnagar, Jamnagar, Junagadh, Rajkot and Surendranagar districts)
27. Vaghri (in Kutch district)
28. Varli
29. Vitola, Kotwalia, Barodia

Himachal Pradesh

1. Bhot, Bodh
2. Gaddi [excluding the territories speci-in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966 (31 of 1966), other than the Lahaul and Spiti district)
3. Gujarat [excluding the territories specified in

sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966, (31 of 1966)]
4. Jad, Lamba, Khampa
5. Kanaura, Kinnara
6. Lahaula
7. Pangwala
8. Swangla

Karnataka

1. Adiyan
2. Barda
3. Bavacha, Bamcha
4. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvi Bhil, Bhagalia, Bhilala, Pawra, Vasava, Vasave
5. Chenchu, Chenchwar
6. Choohara
7. Dubla, Talavia, Halpati
8. Gamit, Gamta, Gavit, Mavchi; Padvi; Valvi
9. Gond, Naikpod, Rajgond
10. Gowdalu
11. Hakkipikki
12. Hasalaru
13. Irular
14. Iruliga
15. Jenu Kurba
16. Kadu Kuruba
17. Kammara (in South Kanara district and Kollegal taluk of Mysore district)
18. Kaniyan, Kanyan (in Kollegal taluk of Mysore district)
19. Kathodi, Katkari, Dhor Kathodi, Dhor Katkari, Son Kathodi, Son Katkari
20. Kattunayakan
21. Kokna, Kokni, Kukna
22. Koli Dhor, Tokre Koli, Koicha, Kolgha
23. Konda Kapus
24. Koraga
25. Kota
26. Koya, Bhine Koya, Rajkoya
27. Kudiya, Melakudi
28. Kuruba (in Coorg district)
29. Kurumans
30. Maha Malasar
31. Malaikudi
32. Malasar
33. Malayekandi
34. Maleru
35. Maratha(in Coorg district)

36. Marati (in South Kanara district)
37. Meda
38. Naikda, Nayaka, Cholivala Nayaka, Kapadia, Nayaka, Mota Nayaka, Nana Nayaka
39. Palliyan
40. Paniyan
41. Pardhi, Advichincher, Phanse Pardhi
42. Patelia
43. Rathawa
44. Sholaga
45. Soligaru
46. Toda
47. Varli
48. Vitolia, Kotwalia, Barodia
49. Yerava.

Kerala
1. Adiyan
2. Arandan
3. Eravallan
4. Hill Pulaya
5. Irular, Irulan
6. Kadar
7. Kammara [in the areas comprising the Malabar district as specified by sub-section (2) of section 5 of the States Reorganisation Act, 1956 (37 of 1956)]
8. Kanikaran, Kanikkar
9. Kattunayakan
10. Kochu Velan
11. Konda Kapus
12. Kondareddis
13. Koraga
14. Kota
15. Kudiya, Melakudi
16. Kurichchan
17. Kurumans
18. Kurumbas
19. Maha Malasar
20. Malai Arayan
21. Malai Pandaram
22. Malai Vedan
23. Malakkuravan
24. Malasar
25. Malayan [excluding the areas comprising the Malabar district as specified by sub-section (2) of section 5 of the States Reorganisation Act 1956 (37 of 1956)]
26. Malayarayar
27. Mannan
28. Marati (in Hosdrug and Kasaragod taluks of

Cannanore district)
29. Muthuvan, Mudugar, Muduvan
30. Palleyan
31. Palliyan
32. Palliar
33. Panyyan
34. Ulladan
35. Uraly

Madhya Pradesh

1. Agariya
2. Andh
3. Baiga
4. Bhaina
5. Bharia Bhumia, Bhuinhar Bhumia, Bhumiya, Bharia, Paliha, [illegible]
6. Bhattra
7. Bhil, Bhilala, Barela, Patelia
8. Bhil Mina
9. Bhunjia
10. Biar, Biyar
11. Binjhwar
12. Birhul, Birhor
13. Damor, Damaria
14. Dhanwar
15. Gadaba, Gadba
16. Gond, Arakh, Arrakh, Agaria, Asur, Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Koilabhuta, Koliabhuti, Bhar, Bisonhorn Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Doria, Gaiki, Gatta, Gatti, Gaita, Gond Gowari, Hill Maria, Kandra, Kalanga Khatola, Koitar, Koya, Khirwar, hirwara Kucha, Maria, Kuchak Maria, Madia, Maria, Mana, Mannewar Moghya Mogia, Monghya Mudia Muria, Nagarchi, Nagwanshi, Ojha Raj, Sonjnari Jhareka Thatia, Thotya, Wade Maria Vade Maria, Daroi
17. Halba, Halbi
18. Kamar
19. Karku
20. Kanwar, Kanwar, Kaur, Cherwa, Rathia, Tanwar, Chattri
21. Keer (in Bhopal, Raisen and Sehore districts)
22. Khairwar, Kondar
23. Kharia

24. Kondh, Khond
25. Kol
26. Kolam
27. Korku, Bopchi, Mouasi, Nihal, Nahul Bondhi, Bondeya
28. Korwa, Kodaku
29. Majhi
30. Majhwar
31. Mawasi
32. Mina (in Sironj sub-division of Vidisha district)
33. Munda
34. Nagesia, Nagasia
35. Oraon, Dhanka, Dhangad
36. Panika (in Chhatarpur, Datia, Panna, Rewa, Satna, Shahdol, Sidhi and Tikamgarh districts)
37. Pao
38. Pardhan, Pathari, Saroti
39. Pardhi (in Bhopal, Raisen and Schore districts)
40. Pardhi: Bahelia, Bahellia, Chita Pardhi, Langoli Pardhi, Phans Pardhi, Shikari, Takankar, Takia (in (1) Bastar, Chhindwara, Mandla, Raigarh Seoni and Surguja districts, (2) Baihar tahsil of Balaghat district (3) Betul and Bhainsdehi tahsils of Betul district (4) Bilaspur and Katghora tahsils of Bilaspur district, (5) Drug and Balod tahsils of Durg district, (6) Chowki , Manpur and Mohala Revenue Inspector's Circles of Rajnadgaon district, (7) Murwara, Patan and Sihora tahsils of Jabalpur district, (8) Hoshangabad and Sohagpur tahsils of Hoshangabad district and Narsimhapur district, (9) Harsud tahsil of Khandwa district, (10) Bindra Nawagarh, Dhamtari and Mahasamund tahsils of Raipur district
41. Parja
42. Saharıya, Saharia, Seharia, Sehria, Sosia, Sor
43. Saonta, Saunta
44. Saur

45. Sawar, Sawara
46. Sonr.

Maharashtra

1. Andh
2. Baigh
3. Barda
4. Bavacha, Bamcha
5. Bhaina
6. Bharia Bhumia, Bhuinhar Bhumia, Pando
7. Bhattra
8. Bhil, Bhil Garasia, Dholi, Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil Dungri Garasia, Mew Bhagalia, Bhilala, Pawra, Vasava, Vasave
9. Bhunjia
10. Binjhwar
11. Birhul, Birhor
12. Chodhara (excluding Akola, Amravati, Bhandara, Buldana, Chandrapur, Nagpur, Wardha, Yavatmal, Aurangabad, Bhir, Nanded, Osmanabad and Parbhani district)
13. Dhanka, Tadvi, Tetaria, Valvi
14. Dhanwar
15. Dhodia
16. Dubla, Talavia, Halpati
17. Gamit, Gamta, Gavit, Mavchi Padvi
18. Gond Rajgond, Arakh, Gond Gowari, Hill Maria, Kandra Kalanga, Khatola, Koitar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya Mogia, Monghya Mudia, Muria, Nagarchi, Naikpod, Nagwanshi, Ojha, Raj, Sonjhari Jhareka, Thatia, Thotya, Wade Maria, Vade Maria
19. Halba, Halbi
20. Kamar
21. Kathodi, Katkari, Dhor Kathodi, Dhor Kathkari, Son Kathodi, Son Katkari
22. kawar, Kanwar, Kaur, Cherwa, Rathia, Tanwar, Chattri
23. Khainwar
24. Kharia
25. Kokna, Kokni, Kukna
26. Kol
27. Kolam, Mannervarlu

28. Koli, Dhor, Tokre Koli, Kolcha Kolgha
29. Koli Mahadev, Dongar Koli
30. Koli Malhar
31. Kondh, Khond, Kandh
32. Korku, Bopchi, Mouasi, Nihal, Nabul, Bondhi, Bondeya
33. Koya, Bhine koya, Rajkoya
34. Nagesia, Nagasia
35. Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Mota Nayakn, Nana Nayaka
36. Oraon, Dhangad
37. Pardhan, Pathari, Saroti
38. Pardhi; Advichincher, Phans Pardhi, Phanse Pardhi, Langoli Pardhi, Bahelia, Bahellia, Chita Pardhi, Shikari, Takankar, Takia
39. Parja
40. Patelia
41. Pomla
42. Rathawa
43. Sawar, Sawara
44. Thakur, Thakar, Ka Thakur, Ka Thakar (Ma Thakur, Ma Thakar
45. Thoti (in Aurangabad, Bhir, Nanded Osmanabad and Parbhani districts and Rajura Tahsil of Chandrapur district)
46. Varli
47. Vitolia, Kotwalia, Barodia

Manipur

1. Aimol
2. Anal
3. Angami
4. Chiru
5. Chothe
6. Gangte
7. Hmar
8. Kabui
9. Kacha Naga
10. Koirao
11. Koireng
12. kom
13. Lamgang
14. Mao
15. Maram
16. Maring
17. Any Mizo (Lushai) tribes
18. Monsang
19. Moyon
20. Paite
21. Purum
22. Ralte
23. Sema
24. Simte
25. Suhte

26. Tangkhul
27. Thadou
28. Vaiphui
29. Zou

Meghalaya

1. Chakma
2. Dimasa, Kachari
3. Garo
4. Hajong
5. Hmar
6. Khasi, Jaintia, Synteng, Pnar, War; Bhoi, Lyngngam
7. Any Kuki Tribes including:--
(i) Biate, Biete
(ii) Changsan
(iii) Chongloi
(iv) Doungel
(v) Gamalhou
(vi) Gangte
(vii) Guite
(viii) Hanneng
(ix) Haokip, Haupit
(x) Haolai
(xi) Hengna
(xii) Hongsungh
(xiii) Hrangkhwal, Rangkhol
(xiv) Jongbe
(xv) Khawchung
(xvi) Khawathlang, Khothalong
(xvii) Khelma
(xviii) Kholhou
(xix) Kipgen
(xx) Kuki
(xxi) Lengthang
(xxii) Lhangum
(xxiii) Lhoujem
(xxiv) Lhouvun
(xxv) Lupheng
(xxvi) Mangjel
(xxvii) Misao
(xxviii) Riang
(xxix) Sairhem
(xxx) Selnam
(xxxi) Singson
(xxxii) Sitlhou
(xxxiii) Suktae
(xxxiv) Thado
(xxxv) Thangngen
(xxxvi) Uibuh
(xxxvii) Vaiphei
8. Lakher
9. Man (Tai speaking)
10. Any Mizo (Lushai) tribes
11. Mikir
12. Any Naga tribes
13. Pawi
14. Synteng.

Orissa

1. Bagata
2. Baiga
3. Banjara, Banjari
4. Bathudi
5. Bhottada, Dhotada
6. Bhuiya, Bhuyan
7. Bhumia
8. Bhumij
9. Bhunjia
10. Binjhal
11. Binjhia, Binjhoa
12. Birhor
13. Bondo Poraja
14. Chenchu
15. Dal
16. Desua Bhumij
17. Dharua
18. Didayi
19. Gadaba
20. Gandia
21. Ghara
22. Gond, Gondo
23. Ho
24. Holva
25. Jatapu
26. Jauang
27. Kandha Gauda
28. Kawar
29. Kharia, Kharian
30. Kharwar
31. Khond, Kond, Kandha, Nanguli Kandha, Sitha Kandha
32. Kisan
33. Kol
34. Kolah Loharas, Kol Loharas
35. Kolha
36. Koli, Malhar
37. Kondadora
38. Kora
39. Korua
40. Kotia
41. Koya
42. Kulis
43. Lodha
44. Madia
45. Mahali
46. Mankidi
47. Mankirdia
48. Matya
49. Mirdhas
50. Munda, Munda Lohara, Munda Mahalis
51. Mundari
52. Omanatya
53. Oraon
54. Parenga
55. Paroja
56. Pentia

57. Rajuar
58. Santal
59. Saora, Savar, Saura, Sahara
60. Shabar, Lodha
61. Sounti
62. Tharua

Rajasthan

1. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvi Bhil, Bhagalia Bhilal, Pawra, Vasava Vasave
2. Bhil Mina
3. Damor Damaria
4. Dhanka, Tadvi, Tetaria, Valvi
5. Garasia (excluding Rajput Garasia)
6. Kathodi, Katkari, Dhor Kathodi, Dhod Katkari, Son Kathodi, Son Katkari
7. Kokna, Kokni, Kukna
8. Koli Dhor, Tokre Koli, Kolcha, Kolgha
9. Mina
10. Naikda, Nayaka, Cholivala Nayaka Kapadia Nayaka, Mota Nayaka, Nana Nayaka
11. Patelia
12. Seharia, Sehria, Sahariya.

Tamil Nadu

1. Adiyan
2. Aranadan
3. Eravallan
4. Irular
5. Kadar
6. Kammara (excluding Kanyakumari district and Shenkottah taluk of Tirunelveli district)
7. Kanikaran, Kanikkar (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)
8. Kaniyan, Kanyan
9. Kattunayakan
10. Kochu Velan
11. Konda Kapus
12. Kondareddis
13. Koraga
14. Kota (excluding Kanyakumari district and Shenkottah taluk of Tirunelveli district)

15. Kudiya, Melakudi
16. Kurichchan

17. Kurumbas (in the Nilgiris district)
18. Kurumans
19. Maha Malasar
20. Malai Arayan
21. Malai Pandaram
22. Malai Vedan
23. Malakkuravan
24. Malasar
25. Malayali (in Dharmapuri, North Arco Pudukottai, Salem, South Arcot and Tiruchirapalli districts)
26. Malayekandi
27. Mannan
28. Mudugar, Muduvan
29. Muthuvan
30. Palleyan
31. Palliyan
32. Palliyar
33. Paniyan
34. Sholaga
35. Toda (excluding Kanyakumari district and Shenkottah taluk of Tirunelveli district)
36. Uraly

Tripura

1. Bhil
2. Bhitia
3. Chaimal
4. Chakma
5. Garoo
6. Halam
7. Jamatia
8. Khasia
9. Kuki, Including the following sub-tribes:-
(i) Balte
(ii) Belalhut
(iii) Chhalya
(iv) Fun
(v) Hajango
(vi) Jangtei
(vii) Khareng
(viii) Khephong
(ix) Kuntei
(x) Laifang
(xi) Lentei
(xii) Mizel
(xiii) Namte
(xiv) Paitu, Paite
(xv) Rangchan
(xvi) Rangkhole
(xvii) Thangluya
10. Lepcha
11. Lushai
12. Mag
13. Munda, Kaur

14. Noatia
15. Orang
16. Riang
17. Santal
18. Tripura, Tripuri, Tippera
19. Uchai

West Bengal

1. Asur
2. Baiga
3. Bedia, Bediya
4. Bhumij
5. Bhutia, Sherpa, Tota, Dukpa, Kagatay, Tibetan, Yolmo
6. Birhor
7. Birjia
8. Chakma
9. Chero
10. Chik Baraik
11. Garo
12. Gond
13. Gorait
14. Hajang
15. Ho
16. Karmali
17. Kharwar
18. Khond
19. Kisan
20. Kora
21. Korwa
22. Lepcha
23. Lodha, Kheria, Kharia
24. Lohara, Lohra
25. Magh
26. Mahali
27. Mahli
28. Mal Pahariya
29. Mech
30. Mru
31. Munda
32. Nagesia
33. Oraon
34. Parhaiya
35. Rabha
36. Santal
37. Sauria Paharia
38. Savar

SCHEDULED TRIBES

Laksadweep

Throughout the Union Territory

Inhabitants of the Laccadive, Minicoy and Amindivi Islands who, and both of whose parents, were born in those islands.

Mizoram

1. Chakma
2. Dimassa (Kachari)
3. Garo
4. Hajong
5. Hmar
6. Khasi and Jaintia (including Khasi Synten or Pnar, War, Bhoi or Lyngngam)
7. Any Kuki tribes, including:

(i) Baite or Biete
(ii) Changsan
(iii) Chongloi
(iv) Doungel
(v) Gamalhou
(vi) Gangte
(vii) Guite
(viii) Hanneng
(ix) Haokip or Haupit
(x) Haolai
(xi) Hengna
(xii) Hongsungh
(xiii) Hrangkhwal or Rangkhol
(xiv) Jongbe
(xv) Khawchung
(xvi) Khawathlang or Khothalong
(xvii) Khelma
(xviii) Kholhou
(xix) Eipgen
(xx) Kuki
(xxi) Lengthang
(xxii) Lhangum
(xxiii) Lhoujem
(xxiv) Lhouvun
(xxv) Lupheng
(xxvi) Mangjel
(xxvii) Missao
(xxviii) Riang
(xxix) Sairhem
(xxx) Selnam
(xxxi) Singson
(xxxii) Sitlhou
(xxxiii) Sukte
(xxxiv) Thado
(xxxv) Thangneu
(xxxvi) Ulbuh

8. Lakher
9. Man
(Tia-Speaking)
10. Any Mizo (Lushai) tribes
11. Mikir
12. Any Naga Tribes
13. Pawi
14. Synteng

Arunachal Pradesh

Throughout the Union territory:-

All tribes of the Union territory including:
1. Abro
2. Aka
3. Apatani
4. Dafla
5. Galong
6. Khampti
7. Khowa
8. Mishmi
9. Momba
10. Any Naga tribes
11. Sherdukpen
12. Singpho

Andaman and Nicobar Islands

1. Andamanese, Chariar, Chari, Kora, Tabo, Bo, Yere, Kede, Bea, Balawa; Bojigiyab Juwai, Kol
2. Jarawas
3. Nicobarsee
4. Onges
5. Sentinelese
6. Shom Pens

Dadra And Nagar Haveli

1. Dhodia
2. Dubla including Halpati
3. Kathodi
4. Kokna
5. Koli Dhor including Kolgha
6. Naikda or Nayaka
7. Varli.

Uttar Pradesh

1. Bhotia
2. Buksa
3. Jaunsari
4. Raji
5. Tharu

Goa, Daman and Diu

Tribe/Tribunal commnity (1)	Synonym (2)
1. Dhodia	Halpati
2. Dubla	Talavia
3. Naikda	Nayaka
4. Siddi	
5. Varli	

The tribes or tribal communities specified in column (1) above and the synonyms thereof specified in column (2) against each tribes or tribal communities shall be deemed to be scheduled tribes in relation to the Union Territory of Goa, Daman and Diu so far as regards members thereof resident in that Union Territory.

Nagaland

1. Naga
2. Kuki
3. Kachari
4. Mikir
5. Garo

Sikkim

1. Bhutia (including Chumbipa, Dopthapa, Dukpa, Kagatey, Sherpa, Tibetan: Tromopa, Yolmo)
2. Lepcha.



B. P. Mandal, Ex-M.P.
CHAIRMAN

Tele. 386045 (Off.)
382135 (Res.)

अ० शा० संख्या
D. O. No.

भारत सरकार
GOVERNMENT OF INDIA

पिछड़ा वर्ग आयोग
BACKWARD CLASSES COMMISSION
5, Dr. Rajendra Prasad Road,

नई दिल्ली
New Delhi

दिनांक
Dated : December 31, 1980

Respected Rashtrapatiji,

By the grace of God Almighty, I have got the privilege of presenting this report to you.

2. On the 20th December, 1978, Shri Morarjibhai, the then Prime Minister of India announced on the floor of the parliament the decision to appoint Backward Classes Commission under my Chairmanship, with four other members. They were : Dewan Mohan Lal, Shri R R. Bhole, Shri Dina Bandhu Sahu and Shri K. Subramaniam. The terms of reference were also announced on the floor of the House.

3. One of our Members, *Shri Dina Bandhu Sahu, resigned his membership on 5th November*, 1979 on grounds of health. He left this world on 7th October, 1980 We are sorry to have lost his valuable services in the midst of our work. The vacancy caused by his resignation was filled up by appointing Shri L. R. Naik.

4. We started our work after the inaugural speech of Shri Morarjibhai Desai, Prime Minister of India on 21st March, 1979 and ended with the valedictory Address by Smt. Indira Gandhi, Prime Minister of India on 12th December, 1980.

5. It may be mentioned that although this Commission was appointed by previous Janata Government, Smt. Indira Gandhi's Government not only gave two extensions but extended all support and Cooperations in the discharge of our work. This clearly shows her devotion and commitment to the cause of the suppressed, depressed and the oppressed.

6. The Commission had to face many difficulties and challenges in carrying out its work like the dissolution of Lok Sabha in July 1979, followed by further dissolution of nine State Assemblies in March 1980. As the State machineries were engaged in preparation for polls, the Commissions's work had to be slowed down. The Commission got three extensions, first for three months from 1st January to 31st March, 1980 and two more extensions from 1st April to 30th September and 1st October to 31st December, 1980. In spite of all these difficulties and time constraints, the Commission finished its work in a short period of less than two years.

7. Our task was confined to our terms of reference according to which we had to "determine the criteria for defining the socially and educationally backward classes" and "to recommend steps to be taken for the advancements of the socially and educationally backward classes of citizens so identified". We have, accordingly, fixed the criteria for the identification of such classes and recommended the steps to be taken for their upliftment. The necessary law laid down by the Supreme Court regarding the maximum quantum of reservation for the socially and educationally backward classes, under the meaning of Article 15(4) and 16(4) has also been kept in view in our report.

8. Our report, however, does not stand in the way of the States if they want to take any measure for the upliftment of the weaker sections of the people like the women and the poorer and others who are not covered by our terms of reference. It may be noted that there is no bar to make further reservation for them. For example, the Karnataka Government has reserved 48% seats for the socially and educationally backward classes, which includes SCs. STs and OBCs and further more 18% has been earmarked for the other weaker sections. The total reservation of 66% of that Government was

challenged in the judiciary and it was upheld. The reservation for OBCs under Article 15(4) and 16(4) should not, however, be amalgamated with any other reservation pertaining to any other criteria. In Subhashini Vs. State (AIR 1966 Mys 40) it was held "The validity of the reservation for classes other than socially and educationally backward classes SCs and STs had to be tested on the basis of the requirement of Article 14. Such reservations should not be mixed up with the special reservation under Article 15(4). The upper limit laid down in Balaji case, has application only to reservation to be made under Article 15(4). It does not include any reservation otherwise made." In some of the Northern States even a small percentage of reservation is not reaching the socially and educationally backward classes of people as contemplated under Article 15(4) and 16(4) due to such linking.

9. On the basis of our extensive tour throughout the length and breadth of India the response received from the general public at large, I would like to state that the Backward Classes of this Country repose high hopes in the Government's positive response to our recommendations. Apprehensions were rightly expressed before us that in case the report of my Commission also meets the same fate as that of Kaka Kalelkar's Commission, the legitimate hopes and aspirations of the socially and educationally backward classes, which consititute a bulk of the population will be dashed to ground.

10. We had to face enormous difficulties in the absence of caste enumerations figures after the 1931 Census. To avoid such difficulties in the future, a reference was made by me in my letter of 15th June, 1979 and 18th August, 1979, addressed to S/Shri H. M. Patel and Y.B. Chavan, respectively. I had also requested Giani Zail Singh, Home Minister to this effect in my letter of 31st March, 1980, I was informed that it had been decided that caste enumeration will not be carried out during the 1981 Census and that the present policy of not having enumeration of caste in Indian Census will be continued, which needs reconsideration.

11. We were hoping to submit a unanimous Report to you and all the members of the Commission were agreed on this point. At the last moment when the Report was about to be signed one of the members, Shri L. R. Naik, decided to record a minute of dissent and it forms Volume VII of the Report.

12. Shri Naik's main contention is that the State-wise list of Other Backward Classes should be split into two parts ; one pertaining to Intermediate Backward Classes and other to Depressed Backward Classes. Under Depressed Backward Classes, he has grouped those castes which, according to him, constitute the most deprived and under-privileged sections of the Backward classes. His contention is that they should be treated as a separate entity for purposes of benefits and concessions recommended in the Report. Clubbing these two categories, he feels, will not result inequitable distribution of benefits to these two groups.

13. Whereas the Commission sees the point of Shri Naik's contention, the acceptance of his approach will result in a situation which is repugnant to Article 15(4) of the Constitution. In the case of Balaji Vs. State of Mysore* the Supreme Court has clearly held "In introducing two categories of Backward Classes what the impungned order, in substance, purports to do is to devise measures for all the classes of citizens who are less advanced compared to the most advanced classes in the State, and that, in our opinion, is not the scope of the Article 15(4)". This observation has been repeated in a number of other cases and, by now, it has become established case-law. In view of this, the Commission did not find it possible to agree to Shri Naik's view of dividing other Backward Classes into two categories.

14. Further, the population figures of the so-called depressed backward classes, worked out by Shri Naik, are also very arbitrary and based on pure conjecture.

15. It may also be pointed out that Shri Naik has deemed it proper to adopt the above line despite the fact that earlier from 10th to 14th November, 1980, he had signed every page of the State-wise lists of O.B.Cs., which treat all Other Backward Classes as one group.

16. Before I end this letter, I will be failing in my duty if I do not express my thanks to my colleagues, who have worked hard to finalise this report. The Commission consisted of members from other Backward Classes and one Shri L.R. Naik from the Scheduled Caste. Dewan Mohan Lal, who is the eldest among us, never lagged behind to give his valuable contributions and the Commission has been benefited by the wisdom of his age and vast experience of his life. Shri Justice R.R. Bhole, M.P. had varied experience of legislature and judiciary and rural and urban life of India, was of immense

help to the Commission. Shri K. Subramaniam, an intelligent and experienced person, having had varied experience of rural life besides journalism and devoted to the service of the down trodden had made valuable contribution to the commission. Shri L.R. Naik, who was appointed in the commission after lapse of several months, was the most hard working member in our lot. When other members were getting tired to continue the extensive tour of the country, he was ever unfatigued.

17. I have this signal privilege of submitting this report to you and hope you will have no hesitation in accepting our recommendations and redress the long felt grievances of the socially and educationally, backward classes of our country.

With regards,

Yours Sincerely,
Sd/-
(B. P. MANDAL)

Shri Neelam Sanjiva Reddy
President of India,
Rashtrapati Bhawan,
New Delhi.

COMPOSITION AND TERMS OF REFERENCE OF THE COMMISSION

* * *

In exercise of the powers conferred by Article 340 of the Constitution, the President appointed a Backward Classes Commission to investigate the conditions of socially and educationally backward classes within the territory of India. The composition of the Commission was as follows:—

1. Shri B.P. Mandal (ex-M.P.)	.. ..	Chairman
2. Shri R. R. Bhole, M.P.	.. ..	Member
3. Shri Dewan Mohan Lal	.. ..	Member
4. Shri L. R. Naik* (ex-M.P.)	.. ..	Member
5. Shri K. Subramaniam	.. ..	Member
6. Shri S. S. Gill	.. ..	Secretary

Chairman and the members were appointed on part-time basis and worked in an honorary capacity.

2. The terms of reference of the Commission were:—

(i) to determine the criteria for defining the socially and educationally backward classes:

(*ii*) to recommend steps to be taken for the advancement for the socially and educationally backward classes of citizens so identified;

(*iii*) to examine the desirability or otherwise of making provision for the reservation of appointments or posts in favour of such backward classes of citizens which are not adequately represented in public services and posts in connection with the affairs of the Union or of any State: and

(*iv*) present to the President a report setting out the facts as sound by them and making such recommendations as they think proper.

In this connection, the Commission may also examine the recommendations of the Backward Classes Commission appointed earlier and the considerations which stood in the way of the acceptance of its recommendations by Government.

3. (1) The Commission may:—

(*a*) obtain such information as they may consider necessary or relevant for their purpose in such form and such manner as they may think appropriate, from the Central Government, the State Government, the Union Territory Administrations and such other authorities, organisations or individuals as may in the opinion of on the Commission, be of assistance to them; and

(*b*) hold their sittings or the sittings of such sub-committees as they may appoint from amongst their own members at such times and such places as may be determined by, or under the authority of the Chairman.

(2) During the visits of the Commission or of any sub-committee appointed by them to any State and during any sittings held by the Commission or any such sub-committee in any State, the Commission may co-opt two persons who belong to that State and who are members of backward classes, to be additional members of the Commission or the sub-committee, as the case may be.

4. The Headquarters of the Commission were located at Delhi.

5. The Commission was required to present their Report to the President not later than the 31st December, 1979 **

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*Shri L. R. Naik was appointed in place of Shri Dina Bandhu Sahu, who resigned from membership of the Commission on November 5, 1970 on health grounds.

**Later extended in stages upto December 31, 1980.

PREFACE

Notification setting up Backward Classes Commission was issued on January 1, 1979. and this Report is being submitted in December, 1980, Technically speaking. the Commission has taken 24 months to complete its work. In actual effect, the working time available to us was much shorter.

Except for the Secretary, the Administrative Officer and a couple of Stenographers the remaining staff of the Commission got into position in June-July, 1979 only. The formulation of staff proposals, their sanction and recruitment of suitable personnel took more than four months. Thus, while the Commission was formally inaugurated by the then Prime Minister, Shri Morarji Desai, on March 21, 1979, it became fully operational only in the middle of 1979.

By the time the Commission's work got into full swing, the Parliament was dissolved in August, 1979 and States got busy with preparations for the next General Elections. By the time these elections were over, 9 States Assemblies were dissolved, and the assembly election became the major concern of the administrations of these States.

The above developments had an unsettling effect on the work of the Commission, specially so far as its tour to various States was concerned The progress of the country-wide socio-educational field survey which commenced in February, 1980 was also seriously hampered. Owing to paucity of time and somewhat disturbed conditions in the 7 north-eastern States, the Commission could not undertake the tour of this region.

As indicated in Chapter III of this Report, the Commission adopted a multilateral approach to the collection of data in connection with its inquiry. This was a huge task covering several disciplines and the entire length and breadth of the country, and it would not have been possible to complete it within the allotted time except for the ready cooperation we got from all the concerned agencies and individuals. Whereas it will not be possible to thank each one of them separately, the Commission would like to express its gratefulness to those without whose invaluable assistance we would have been considerably handicapped.

The Commission had issued detailed questionnaires to all State Government, Union Territories and the Ministries and Departments of the Goverment of India. All these agencies put in a lot of effort to compile the desired information. State Governments and Union Territories also made excellent arrangements in connection with the Commission's tours. Our grateful thanks are due to all concerned.

A large number of members of Sixth and Seventh Lok Sabha, Rajya Sabha, State Legislatures and representatives of a number of voluntary organisations, thousands of social workers and members of the public appeared before the Commission to tender evidence and we are extremely grateful to them all for having responded to our invitations.

We also acknowledge with gratitude the valuable assistance given by Prof. M. N. Srinivas (Indian Institute of Management, Bangalore), Prof. Jogendra Singh (Jawaharlal Nehru University) and Prof. B. K. Roy Burman (Vishwa Bharati University) in connection with the Commission's socio-educational field survey. Dr. K. C. Seal, Director General, Central Statistical Organisation, also deserves very special mention in this behalf.

While expressing this gratitude, the Commission owns full responsibility for all aspects of the field survey, Electronic Commission did an excellent job of work in the computerisation of field data of socio-educational survey, Tata Institute of Social Sciences, Bombay, and Indian Law Institute, Delhi, prepared two sepcial reports for the Commission and we place on record our great appreciation for the fine quality of their work.

Shri P Padmanabha, Registrar General of India and Commissioner, Census Operations, took a very keen interest in the work of the Commission and rendered all possible help. And, of course, Ministry of Home Affairs, was always very helpful and showed a sensitive appreciation of our problems.

The staff of the Commission, an *ad hoc* assemblage of personnel on deputation from several Ministries and Departments, worked hard as a well knit team despite several constraints and hardships. Research and Survey Wing of the Commissions had a very exacting task to handle and under the able leadership of Dr. N. R. Parthasarathy, Joint Director, it did commendable work in processing the voluminous data received from several sources.

Last, but not the least, the Commission would like to place on record its very high appreciation of the performance of its Secretary, Shri S. S. Gill. Normally, a person in his position has to carry the main responsibility for drafting the Report. In the instant case, his contribution to its conceptualization was also very substantial. It was the shared view of all members of the Commission that Other Backward Classes could not have found an abler advocate of their cause than Shri Gill.

Vol. I
Main Report and Recommendation

CHAPTER I

THE FIRST BACKWARD CLASSES COMMISSION

1.1 The First Backward Classes Commission was set up by a Presidential Order under Article 340 of the Constitution of India on January 29th, 1953 and it submitted its report on March 30th, 1955. The composition of the Commission and its terms of reference are given in Appendix-I, Volume II of this Report.

1.2 The Commission issued a Questionnaire comprising 182 questions for eliciting the views of the State Governments and the general public on various aspects of its inquiry. It also undertook extensive touring of the country to collect on the spot evidence.

1.3 After sifting and sorting the facts collected as above the Commission formulated the following criteria for identifying socially and educationally backward classes :—

(i) Low social position in the traditional caste hierarchy of Hindu society.

(ii) Lack of general educational advancement among the major section of a caste or community.

(iii) Inadequate or no representation in Government service.

(iv) Inadequate representation in the field of trade, commerce and industry.

It also prepared a list of 2399 backward castes or communities for the entire country, and 837 of these were classified as 'most backward'. The Registrar General and Census Commissioner of India assisted the Commission in making population projections of 930 backward castes or communities.

1.4 The recommendations of the Commission for the upliftment of the backward classes are extremely wide-ranging and comprehensive. They cover such diverse fields as Extensive Land Reforms, Reorganisation of Village Economy, Bhoodan Movement, Development of Livestock, Dairy Farming, Cattle Insurance, Bee-keeping, Piggery, Fisheries, Development of Rural and Cottage Industries, Rural Housing, Public Health and Rural Water Supply, Adult Literacy, University Education, Representation of Backward Classes in Government service, etc. etc. Some of the most noteworthy recommendations of the Commission were—

(i) Undertaking caste-wise enumeration of population in the Census of 1961;

(ii) Relating Social backwardness of a class to its low position in the traditional caste hierarchy of Hindu society;

(iii) Treating all women as a class as "backward';

(iv) Reservation of 70 per cent seats in all technical and professional institutions for qualified students of backward classes;

(v) Minimum reservation of vacancies in all Government services and local bodies for other Backward Classes on the following scale :—

Class I ..	25%
Class II ..	33-1/3%
Class III & IV ..	40%

1.5 It is pertinent to note that the Commission could not present an unanimous report. In fact five of its Members recorded minutes of dissent. Dr. Anup Singh, Shri Arunangshu De and Shri P. G. Shah were opposed to the view of linking caste with backwardness. They were also opposed to the reservation of posts on the basis of caste. On the other hand, Shri S. D. S. Chaurasia strongly advocated the acceptance of caste as the criterion for backwardness in his 67-page minute of dissent. Shri T. Mariappa's minute of dissent was concerned only with the inclusion of a couple of castes in the list of Other Backward Classes.

1.6 Shri Kaka Kalelkar, the Chairman, took a rather equivocal stand on this issue. Though he did not record a formal minute of dissent in his forwarding letter to the President he opposed the acceptance of caste as ths basis for backwardness. He also expressed his reservations regarding several other important recommendations made by the Commission.

Government Action on Kaka Kalelkar Commission Report

1.7 After a detailed examination of the Commission's Report, the Government laid its copy together with a Memorandum of action taken before each House of the Parliament on September 3rd, 1956 in compliance with Article 340(3) of the Constitution. In this Memorandum it was observed, "For the purpose of the enquiry specifically contemplated in Article 340 of the Constitution it was necessary to consider whether these other backward sections could be properly classified, and the Commission had to find

objective tests and criteria by which such classifications were to be made; they had to find indisputable yardsticks by which social and educational backwardness could be measured. The report of the Commission has not been unanimous on this point, in fact, it reveals considerable divergence of opinion." It was further stated, "The Commission's list contains as many as 2399 communities out of which 930 alone account for an estimated population of 11.5 crores; Scheduled Castes and Tribes will make up another 7 crores" (on the basis of 1951 Census). Regarding the acceptance of caste as criteria for backwardness, it was stated, "It cannot be denied that the caste system is the greatest hindrance in the way of our progress towards an egalitarian society, and the recognition of the specified castes as backward may serve to maintain and even perpetuate the existing distinctions on the basis of caste."

1.8 Regarding the recognition of a large number of castes and communities as backward, it was pointed out, "If the entire community, barring a few exception has thus to be regarded as backward, the really needy would be swamped by the multitude and hardly receive any special attention or adequate assistance, nor would such dispensation fulfil the conditions laid down in Article 340 of the Constitution.".

1.9 In view of the above, the Government considered it necessary that "some positive and workable crtieria should be devised for the specification of the socially and educationally backward classes" and to undertake further investigations "so that deficiencies that have been noticed in the findings of the Commission are made good...." It was also pointed out in the Memorandum that the Planning Commission had already formulated the development programmes for the removal of backwardness and "the main point to be stressed was whether the special needs of the backward classes could be intensively and effectively served by appropriate shifts of emphasis or by rearrangement of priorities within the framework of the existing programmes or whether additional programmes needed to be drawn up".

Incidentally, the Commission's report was not discussed by the Parliament.

1.10 After presenting the Memorandum to the Parliament, the Government made efforts " to discover some criteria other than caste which could be of practical application in determining the backward classes." The Deputy Registrar General was asked to conduct a pilot survey to see if backwardness could be linked to occupational communities instead of caste. Such a survey was undertaken but it failed to throw up the desired criteria. The matter was also discussed at a conference of State representatives on 7-4-1959 and subsequently reviewed at a meeting of State officers convened by the Ministry of Home Affairs, but no consensus emerged as a result of these efforts.

1.11 The Central Government ultimately took a decision that no all India lists of backward classes should be drawn up, nor any reservation made in the Central Government service for any group of backward classes other than the Scheduled Castes and Scheduled Tribes. Consequently, on August 14th, 1961, the Ministry of Home Affairs addressed all the State Governments stating, "While the State Governments have the discretion to choose their own criteria for defining backwardness, in the view of the Government of India it would be better to apply economic tests than to go by caste." Regarding the preparation of lists of backward classes it was observed, "Even if the Central Government were to specify under Article 338(3) certain groups of people as belonging to 'other backward classes', it will still be open to every State Government to draw up its own lists for the purposes of Articles 15 and 16. As therefore, the State Governments may adhere to their own lists, any all-India list drawn up by the Central Government would have no practical utility".

Some Observations on Kaka Kalelkar Commission Report

1.12 It is well worth remembering that Kaka Kalelkar Commission Report was the first national level inquiry of its kind after the adoption of the Constitution. Since then ten States have set up fifteen Commissions and their reports provide a wealth of material on this subject. Further, the present Commission has the additional benefit of a plethora of judicial pronouncements by the Supreme Court and several High Courts on the question of extending various types of benefits to backward classes other than the Scheduled Castes and Scheduled Tribes.

1.13 But despite making due allowance for its handicaps, it cannot be denied that Kaka Kalelkar Commission Report suflers from grave flaws of methodology and serious internal contradictions. For instance, the Commission was required to determine the criteria for identifying socially and educationally backward classes and, in accordance with such criteria, to prepare a list of such classes. The criteria evolved by the Commission is given in para 1.3 of this Chapter. The list of 2399 backward classes identified by the Commission is contained in Volume II of Kaka Kalelkar Commission Report. But it is not clear from the Report as to how the lists of backward classes were derived by the application of that criteria. The Commission's State-wise lists are based on the lists prepared by the Ministry of Education for the grant of scholarships etc. to 'Other Educationally Backward Classes' in 1949. The Ministry of Education, in its turn, had compiled these lists on the basis of the recommendations received from the respective State Governments.

1.14 It is seen that Ministry of Education had prepared its list not only without undertaking any special survey for the identification of the backward classes. it was meant only for 'Other *Educationally* Backward Classes' and not for 'Socially and Educationally Backward Classes' as contemplated in Article 340 of the Constitution.

1.15 Of course, Kaka Kalelkar Commission modified the Education Msnistry's original lists in the light of the evidence collected by it. But the fact remains that it broadly adopted the lists of Other Educationally Backward Classes prepared by another Government agency for an entirely different purpose, and cleated it as the list of socially and educationally backward classes of India. This was done without undertaking any field survey to check their validity for the purpose of the Commission. Nor were they tested against criteria evolved by the Commission for identifying socially and educationally backward classes.

1.16 As stated in para 1.4 of this Chapter, Kaka Kalelkar Commission recommended different percentages of reservation of seats/vacancies in educational institutions, Government services, etc. for other Backward Classes (OBCs). For instance, it recommended reservation of 40% posts in Class III and Class IV categories, 25% in Class I category and 70% of the seats in professional and technical institutions. But in the absence of any explanation of the rationale for fixing different percentages for different groups of posts etc. the approach appears somewhat arbitrary.

1.17 Though the above failings are serious, yet the real weakness of the Report lies in its internal contradictions. As stated in para 1.5 of this Chapter, three of the Members were opposed to one of the most crucial recommendations of the Report, that is, the acceptance of caste as a criterion for social backwardness and the reservation of posts in Government services on that basis. The degree of dissidence greatly compromised the force of the Commission's recommendations. But it was the 30-page forwarding letter of Shri Kaka Kalelkar to the President which demolished the very basis of the Report. The following extracts from this letter speak for themselves :

> "Beside convinced that the upper castes among the Hindus have to atone for the neglect of which they were guilty towards the 'lower' classes, I was prepared to recommend to Government that all special help should be given only to the backward classes and even the poor and the deserving among the upper classes may be safely kept out from the benefit of this special help. My eyes were however opened to the dangers of suggesting remedies on the caste basis when I discovered that it is going to have a most unhealthy effect on the Muslim and Christian sections of the nation. . ."

> "This was a rude shock and it drove me to the conclusion that the remedies we suggested were worse than the evil we were out to combat."

> "This painful realisation came to me almost towards the end of our labours. I could not stem the current of opinion without the Commission itself and ultimately decided, though reductantly, to side with the majority with whom I had cooperated throughout in formulating remedies on caste basis. It is only when the Report was being finalised that I started thinking a new and found that backwardness could be tackled on a basis or a number of bases other than that of caste. I only succeeded in raising the suspicion of the majority of my colleagues that I was trying to torpedo the recommendations of the Commission. This was another reason why I signed the Report Without even a minute of dissent...."

> ".....If such communities have neglected education it is because they had no use for it. Now that they have discovered their mistake it is for them to make the necessary efforts for making up the leeway."

> "Till recently, good many Communities were organising caste conferences and collecting funds for granting scholarships to boys and girls of their own community. That was a good lesson in self help and a good number of communities have thus come forward in material well-being. But now all burden is sought to be thrown on the common exchequer and those who have thoughtlessly neglected education in the past are now seeking preferential treatment in Government services. This is anything but fair...."

> "I am definitely against reservation in Government Services for any Community for the simple reason that the services are not meant for the servants but they are meant for the service of society as a whole...."

> "I believe that in Class I and Class II services, the backward classes will stand to gain, both morally and materially, it they do not demand a reservation percentage in the vacancies and simply rely on the fair-mindedness of the administration to use their preference in favour of the backward classes...."

1.18 The above extracts form an eloquent testament of Shri Kalelkar's views on backwardness and social justice. It must have caused this gentle Gandhian no end of anguish to refrain from recording a formal note of dissent to a Report which recommended caste as one of the main criteria for determining social backwardness. Despite giving such clear expression to his views, he observed in a latter para of this letter, "Following the analogy of the proverb, *viz.*, 'Use the thorn to remove a thorn', we held that the evils of caste could be removed by measures which could be considered in terms of caste alone". Here, the strain of squaring the circle becomes so palpable that one can only sympathise with Kaka Sahib in his predicament.

1.19 A Report so fragmented in its conceptual design carried within itself the logic for its rejection.

Some Observations on Government Action

1.20 Whereas Kaka Kalelkar Commsssion Report received the closest attention of the Government right upto the highest level, there is one aspect of its examination which merits special attention. Despite referring to various constitutional provisions and accepting the need to give special relief to socially and educationally backward classes, in the overall context the Government thinking was mainly conditioned by

the national imperative of reducing economics disparities between different classes of society. This approach is clearly summed up in the lette· that Home Ministry addressed to all the State Governments after full examination of the Report. The concluding sentence of this letter reads, "They (Government of India) also consider that while the State Governments have the discretion to choose their own criteria for defining backwardness, in the view of the Government of India *it would be better to apply economic tests than to go by caste.*" (Emphasis added).

1.21 As the main thrust of Government's development programmes has always been the removal of mass poverty, this pre-occupation with economic criteria in determining backwardness is quite understandable. But howsoever laudable the objective may be, it is not in consonance with the spirit of Article 340 of the Constitution, under which the Commission was set up. Both Articles 15(4) and 340(1) make a pointed reference to "socially and educationally backward classes". Any reference to "economic backwardness" has been advisedly left out of these Articles. Whereas we shall have more to say on this subject in a subsequent Chapter, it may be pertinent to point out that in giving primacy to 'economic tests' in determining the type of backwardness referred to in Article 340(1) of the Constitution, the Government has, perhaps inadvertently, paid less than adequate attention to the constitutional requirements in this matter. It may be possible to make out a very plausible case for not accepting caste as a criteria for defining 'social and educational backwardness'. But the substitution of caste by economic tests will amount to ignoring the genesis of social backwardness in the Indian society.

CHAPTER II

STATUS OF OTHER BACKWARD CLASSES IN SOME STATES

2.1 It is for nearly a hundred years that Provincial Governments in India have been implementing special programmes for the welfare of depressed or deprived sections of society. The first such step was taken by Madras Government with the framing of Grant-in-Aid Code in 1885 to regulate financial aid to educational institutions, providing special facilities for students of depressed classes. Subsequently, in 1921, acting on a resolution passed by the State Legislative Council, Madras Government took steps for higher representation of non-Brahmins in Government services. The scheme was reviewed in 1927 and the scope of reservations was enlarged further, dividing all the communities in the State into five broad categories and earmarking separate quota for each category.

2.2 On the basis of representations received from aggrieved communities, in 1918 the Maharaja of Mysore appointed a Committee under the chairmanship of Sir L. C. Miller, the then Chief Justice of Mysore, to recommend steps for adequate representations for non-Brahmins in the services of the State. On the basis of Miller Committee report, the Government of Mysore issued orders in 1921 extending special facilities to backward communities with regard to education and recruitment in State services.

2.3 It was in 1928 that the Government of Bombay set up a Committee under the chairmanship of Mr. O. H. B. Starte to identify backward classes and recommend special provisions for their advancement. In its report submitted in 1930, this Committee classified backward classes into three categories, i.e., 'depressed classes', 'aboriginal and hill tribes' and 'other backward classes'. This Committee recommended the provision of special facilities regarding education and recruitment in Government services to the members of the above three categories of backward classes.

2.4 At the all-India level the first systematic attempt at the welfare of 'depressed classes' was made with the introduction Montague-Chelmsford Reforms of 1919, when separate representation on a number of public bodies was given to members of these classes. In official parlance the omnibus term 'depressed classes' at that time included 'Scheduled Castes', 'Scheduled Tribes' and 'Other Backward Classes'. In the Census of India 1931, the term 'depressed classes' was changed to 'exterior castes', which covered only the untouchable castes. Aboriginal and Hill Tribes were enumerated under the term 'Primitive Tribes'.

2.5 In addition to the depressed classes, there was another category of very backward section of society termed as 'criminal tribes'. They were notified under the Criminal Tribes Act, 1871 and several provisions were made for their rehabilitation.

2.6 It was under the Government of India Act, 1935, that the 'Scheduled Castes' replaced 'Depressed Classes' and separate lists of Scheduled Castes were notified for various Provinces in 1936. Simultaneously, the term 'Primitive Tribes' was replaced by 'Backward Tribes' and their lists notified in respect of Provinces where there was substantial representation of these tribes. It was only after Independence that the term 'Scheduled Tribes' was used for 'Backward Tribes' in the Constitution.

2.7 The main benefit extended to Scheduled Castes and Scheduled Tribes under the Government of India Act, 1935 was that of political representation in the Federal Legislature and Provincial Assemblies.

2.8 It was only after Independence that the Central Government tried to define Other Backward Classes (OBCs) with a view to making special provisions for their advancement. Articles 15(4) and 16(4) refer to the making of such provisions for the advancement of socially and educationally backward classes or for the Scheduled Castes and Scheduled Tribes. It was with this objective that Kaka Kalelkar Commission was appointed in 1953 under Article 340 of the Constitution. While rejecting the main recommendations of this Commission the Central Government had informed the State Governments that they were free to draw their respective lists of backward classes on the basis of criteria worked out by them and take whatever further action they deemed necessary in the matter.

2.9 Consequently a number of State Governments set up their own Commissions or Committees for defining criteria for backwardness and recommending measures for its removal. So far ten State Governments have set up fifteen Commissions and Committees in this behalf. These States are: Andhra Pradesh, Bihar, Gujarat, Jammu and Kashmir, Karnataka, Kerala, Maharashtra, Punjab, Uttar Pradesh and Tamil Nadu. Further 8 other States and Union Territories have notified lists of Other Backward Classes for the grant of various educational, employment and other benefits. These are: Assam, Delhi, Haryana, Himachal Pradesh, Meghalaya, Orissa, Pondicherry and Rajasthan. These State Governments and Union Territories mostly relied on the lists of OBCs maintained by them for the grant of post-matric scholarships, etc. under the Education Ministry's scheme formulated in 1944, and another list prepared by the Commissioner for Scheduled Castes and Scheduled Tribes at the time of drafting the First Five Year Plan.

2.10 The first attempt at giving a fair representation to depressed classes in public services was made when the Government of India issued instructions in July, 1934 that duly qualified candidates of these classes should not be deprived of fair opportunity of appointment merely because they could not succeed in an open competition. However, no definite percentage of vacancies was earmarked for them. It was only in 1943 that orders reserving 8 1/3% of vacancies for Scheduled Castes were issued. In June, 1946 this reservation was raised to 12½% so as to bring it in line with the population of Scheduled Castes. No reservation was made for the backward tribes as their prevailing educational level was considered to be too low to qualify them for Government service in any appreciable numbers.

2.11 Curiously, provisions for the spread of education amongst depressed classes were made much later. It was in 1944 that the Ministry of Education prepared a scheme of post-matric scholarships etc. for the students of Scheduled Castes and it was extended to Scheduled Tribes in 1948.

2.12 A brief account of the main recommendations of the Commissions or Committees set up by the afore-mentioned ten State Governments and the action taken thereon is given below.

Andhra Pradesh

2.13 In 1966, Andhra Pradesh Government notified a list of 112 communities belonging to Other Backward Classes and ordered reservation of seats for them in Government services and professional colleges etc. Several writs were filed against this Order and the High Court of Andhra Pradesh struck it down on the ground that the State could not produce evidence regarding the social and educational backwardness of the listed communities. This decision was upheld by the Supreme Court also.

2.14 In view of this, Government of Andhra Pradesh appointed a Backward Classes Commission in April, 1968 under the Chairmanship of Shri Manohar Pershad and it presented its report in June, 1970. This Commission identified four different categories of OBCs and recommended reservations of seats both in professional colleges and in Government services. The recommendations of the Commission on these two important items and the action taken by the State Government are indicated in the following table :—

TABLE

S. No.	Category of OBCs	Reservation in professional colleges and Government services	
		As recommended by the Commission	As accepted by the State Government
1	Aboriginal Tribes, Vimukta Jatis, Nomadic and Semi Nomadic Tribes . . .	7%	7%
2	Vocational groups . .	13%	10%
3	Harijan Converts . .	1%	1%
4	Other Classes . . .	9%	7%
	Total .	30%	25%

2.15 The State Government also accepted the Commission's recommendation that candidates selected on merit in an open competition would not be adjusted against the reserved vacancies. The reservation of 25% was also extended to all posts under the control of local bodies, State Government undertakings, etc.

2.16 The State Government has also reserved 25% of the house-sites and 15% of the houses constructed by Housing Board for OBCs. Backward Classes students whose family income is below Rs. 6,000 per annum are exempted from payment of tuition fees and are eligible for award of scholarships, hostel facilities, etc.

2.17 The Government further accepted the Commission's recommendation for the allotment of house sites and surplus land to OBCs and to set up a separate Finance Corporation for them. The Commission's recommendation for extending scholarships and other benefits on the basis of economic criteria was also accepted by the State Government.

2.18 Subsequently, a Committee of the Fifth Legislative Assembly under the Chairmanship of Shri Agisam Veerappa was set up to recommend further measures for the welfare of backward classes. It submitted its report in 1977 and some of its important recommendations accepted by the Government are :—

(i) Grant of scholarships from the first standard onwards instead of the sixth standard, as per prevailing practice.

(ii) Enhancement in the rate of scholarships.

(iii) Lowering the qualifying marks for OBCs from 40% to 35% for admission to various institutions.

Bihar

2.19 In 1951, the Government of Bihar had prepared a list of 109 backward classes for awarding post-matric scholarships, etc., under a scheme launched by the Ministry of Education. In its letter of August 14, 1961 (referred to in para 1.12, Chapter I), Home Ministry had informed the State Governments that they may draw up their lists of backward classes as the lists recommended by Kaka Kalelkar Commission had not been accepted. Bihar Government decided to continue with the list already prepared in 1951.

2.20 In 1964, Patna High Court*, in view of the Supreme Court's judgment in *Balaji's* case, declared Bihar Government's list of backward classes as invalid as it had relied on caste as the criterion of backwardness. In view of this, the State Government decided that the current educational benefits should be given only to such students of Other Backward Classes mentioned in the 1951 Order whose family income was below Rs. 500 per month. For admission to medical colleges, the income limit was fixed at Rs. 250 per month.

*A.I.R. 1965 Patna, 372

2.21 Bihar Government also appointed a Backward Classes Commission under the chairmanship of Shri Mungeri Lal in June, 1971 and it submitted its report in February, 1976. This Commission identified 128 communities as 'Backward' and 94 of them were classified as 'Most Backward'.

2.22 The main recommendations of the Commission were :—

(i) Reservation of 20% vacancies in all Government Departments, local bodies and State Government Undertakings for the candidates of Other Backward Classes. In addition, 3% of such vacancies were recommended to be reserved for women and the same percentage for economically weaker sections. Only those candidates should be given this benefit whose family income was below the minimum income-tax limit;

(ii) Reservation of 24% seats in engineering, medical and other professional institutions for students of Other Backward Classes; and

(iii) Grant of various other benefits like allotment of house sites, grant of scholarships, reimbursement of tuition fees, etc., to OBCs.

2.23 The State Government accepted the above recommendations in October, 1978 and this gave rise to a lot of agitation. Both the forward and the backward communities were dissatisfied with the Government. The implementation of the Commission's recommendations also raised a lot of controversy. Many recruiting agencies mis-construed the provision for reservation as prescribing the upper limit for the intake of backward class candidates selected on merit. In case OBC candidates in excess of the reserved quota of 20% got selected in open competition, the actual intake was restricted to 20% only.

2.24 Subsequently, the Government of Bihar corrected this misconception in July 1979 and clarified that the reservation quota indicated the minimum and not the maximum quota for backward class candidates. It was also clarified that the percentage of backward class candidates selected on merit should not be adjusted against their reserved quota.

Gujarat

2.25 Gujarat Government set up a Backward Classes Commission in August, 1972 under the chairmanship of Shri A. R. Bakshi and it submitted its report in 1976. This Commission listed 82 castes and communities as socially and educationally backward classes and recommended the following measures for their advancement :—

(i) Reservation of 10% of seats in medical, engineering and other professional institutions;

(ii) Reservation of 10% of vacancies in all Class III and IV Government services;

(iii) Reservation of 5% of all Class I and Class II vacancies in all Government services, local bodies State Public Undertakings, etc.

(iv) Reservation of 10% of seats in training-cum-production centres.

(v) Award of scholarships and other educational facilities to OBC students, provided their parental income did not exceed Rs. 4,800 per year. This income limit was raised to Rs. 7,200 in the case of nomadic tribes and denotified tribes.

2.26 All the recommendations of Bakshi Commission were accepted by the Government of Gujarat.

Jammu & Kashmir

2.27 In 1956 the Government of Jammu & Kashmir notified Civil Services Rules which, *inter alia*, provided that the State Government could make reservation in Government services for backward classes. In November 1967, the State Government appointed the Gajendragadkar Commission and one of its terms of reference was to examine the existing recruitment policies with a view to recommending measures for giving equitable representation to various regions, communities and backward classes in Government employment The Gajendragadkar Commission gave its report in December 1968 and recommended that economic backwardness, occupation, habitation, literacy and caste (in respect of Hindus) should be made the criteria for determining backward communities. The Commission recommended that this job should be entrusted to a High Power Committee.

2.28 Accordingly a Backward Classes Committee was set up by the Government of Jammu & Kashmir in February 1969 under the Chairmanship of Shri J. N. Wazir and its report was submitted in November 1969. Acting on the recommendations of this Committee, the State Government framed "The Jammu & Kashmir Scheduled Castes and Backward Classes (Reservation) Rules, 1970". As a result of a petition, the Supreme Court pointed out certain lacunae in these Rules and observed that the same should be rectified before giving effect to them. Consequently, the State Government appointed a Committee under Justice (Dr.) Adarsh S. Anand in August 1976. This Committee submitted its report in September 1977, and recommended that :—

Permanent residents of the State falling in the following categories be declared backward classes :—

(i) Twenty-two weak and under-privileged classes; and

(ii) Residents belonging to specified backward areas.

2.29 Weak and under-privileged classes comprised mostly of occupational communities. Backward areas were identified on the basis of inaccessibility, bad climate, low literacy, lack of medical facilities, etc.

2.30 The Committee recommended the following benefits for the backward classes of the State :—

(i) Reservation of 42% of vacancies arising in all Government services;

(ii) Reservation of 42% seats in all technical and professional institutions;

(iii) Award of scholarships and stipends to students whose family income does not exceed Rs. 3,000 per annum and award of similar scholarships and stipends at higher rates to students from backward classes with the same limit on their family income.

2.31 The above reservations in services and educational institutions are in addition to 8% reservation made for Scheduled Castes. (There are no Scheduled Tribes in Jammu & Kashmir).

Karnataka

2.32 Created as a result of the re-organisation of States, Karnataka comprised, whole or parts of five States of Mysore, Coorg, Bombay, Hyderabad and Madras. On the basis of the list earlier drawn up by some of these States, the new State prepared a uniform list of backward classes for the whole of Karnataka. This list was struck down by the Mysore High Court and a similar attempt made in 1959 also met the same fate. In January 1960 Karnataka Government appointed a Backward Classes Committee under the Chairmanship of Dr. R. Naganna Gowda, which submitted its report in May 1961.

2.33 This Committee suggested one set of backward communities for reservation in services and another set for the grant of educational concessions. It recommended that 50% of the seats in technical and professional institutions should be reserved for students of backward classes. It also proposed reservation of 45% of all Government vacancies for backward class candidates.

2.34 The Government Order of 1961 based on these recommendations was struck down by the Supreme Court in the celebrated *Balaji's* case with the observation that the State Government had committed a fraud on the Constitution. In view of this the State Government, as a temporary measure, started treating individuals instead of classes as backward for giving them special benefits.

2.35 It was in August 1972 that Karnataka Government set up Backward Classes Commission under the Chairmanship of Shri L. G Havanur and it submitted its Report in November 1975. In its findings, the Commission stated that it had not gone by the criterion of caste in deciding the social backwardness of castes and communities. Instead, it had relied on multiple tests, such as economic, residential and occupational factors in determining social backwardness of castes and communities. Instead, it had relied categories of backward classes, worked out the percentage of their population in the State and recommended reservations of vacancies in Government services as given below :—

Name of Backward Classes	Percentage of population	Percentage of reservation
1. Backward Communities	19.20%	16%
2. Backward Castes . .	14.47%	10%
3. Backward Tribes . .	8 00%	6%
TOTAL . .	41.67%	32%

2.36 Similar reservation of seats was also proposed in educational institutions.

2.37 The Commission also recommended setting up of a separate Financial Corporation and a Directorate for Other Backward Classes.

2.38 The State Government, while broadly accepting the recommendations of the Commission, ordered the following scale of reservation in services and educational institutions for various categories of backward classes .—

S. No.	Name of Backward Classes	Percentage of reservation in Educational institutions	Government Services
1	2	3	4
1.	Scheduled Castes . . .	15%	15%
2.	Scheduled Tribes . . .	3%	3%
3.	Backward Communities .	20%	18%
4.	Backward Castes . . .	10%	10%
5.	Backward Tribes . . .	5%	5%
6.	Special Groups . . .	15%	15%
	TOTAL .	68%	66%

2.39 It will be observed that while issuing orders the Government added a new category of backward classes, i.e., 'Special Group' and made a reservation of 15% for this category. Further, whereas Havanur Commission had recommended reservation of 16% in Government services and educational institutions for backward communities, Government enhanced it to 18% and 20% respectively.

Kerala

2 40 Kerala Government has set up three Committees/Commissions so far on Other Backward Classes. The first one was an Evaluation Committee appointed under the chairmanship of Shri V. K. Vishwanathan in June 1961. It submitted its report in October 1963 and its main recommendations were :—

(i) Reservation of 40% of seats in technical and professional colleges for OBC students and 10% for students belonging to Scheduled Castes and Scheduled Tribes;

(ii) The above reservation to be made applicable to all fresh appointments under the State Government also; and

(iii) Appointment of an Expert Committee to go into the question of reclassification of backward communities.

2.41 The State Government accepted the above recommendations, except that reservation of seats for OBC students in the technical and professional institution was confined to 25% only.

2.42 Subsequently, the decision of the Government regarding the reservation of seats in educational institutions under Article 15(4) of the Constitution was challenged in the High Court of Kerala and the State Government was directed to start a fact-finding enquiry and evolve objective criteria for giving educational benefits to backward classes. Accordingly, the State

Government appointed a Commission under the chairmanship of Shri G. Kumara Pillai in July 1964 and the Commission submitted its report in December 1965. Its main recommendations are given below :—

(i) It classified 91 communities as 'backward' and stipulated that the benefits recommended in the report should be extended only to those members of the Backward Classes whose aggregate family income was below Rs. 4,200 per year; and

(ii) In technical and professional institutions 25% of the seats should be reserved for OBCs. It also indicated separate quotas for various categories of OBCs in the allocation of these seats.

2.43 The State Government accepted the above recommendations with the modification that the income ceiling of Rs. 4,200 was raised to Rs. 6,000 per annum. It may be noted that the High Court had desired the State Government to institute an enquiry for granting educational benefits to OBCs under Article 15(4) of the Constitution only. In view of this the Government of Kerala did not take any action to disturb the existing arrangements regrading the reservation of 40% posts under the Government for Other Backward Classes.

2.44 Subsequently, on a petition filed before the High Court of Kerala, the State Government was told that the Rules relating to reservation of jobs for backward communities were based on obsolete and out-of-date data and, therefore, it should undertake a detailed survey and collect the relevant data periodically. Accordingly, the State Government appointed Backward Classes Reservation Commission under the chairmanship of Shri M. P. Damodaran in October 1967 and it submitted its report in June 1970. The Government took more than 8 years in examining this report and at the end of this period felt that after such a long interval the Commission's findings may have lost their validity. In the circumstances the Government decided that only by appointing a Commission the matter could be satisfactorily settled. In the meantime, certain minor adjustments were made regarding the *inter se* percentages of reservations in services prescribed for the eight separate groups of Other Backward Classes, without disturbing the overall reservation of 40 per cent. These reservations are :—

S. No.	Name of Group	Reservation for Class IV posts	Reservation for other than Class IV posts
1.	Ezhavas	11%	14%
2.	Mulsims	10%	12%
3.	Latin Catholics and Anglo Indians	4%	4%
4.	Nadars	1%	1%
5.	Scheduled Castes converts to Christianity	2%	1%
6.	22 Communities like, Asaris, Kammalas, Viswakarmas, etc.	2%	3%
7.	Dheevara Community	2%	1%
8.	Other Backward Classes	8%	4%
	TOTAL	40%	40%

2.45 The State Government has not been able to appoint a new Commission so far.

Maharashtra

2.46 After bifurcation of the former Bombay State, the Government of Maharashtra appointed a Committee in November 1961 under the Chairmanship of Shri B. D. Deshmukh to 'report on reservation of Backward Classes in the services'. In its report submitted in January 1964 the Committee recommended that :—

(i) Backward Classes should be grouped under four categories, *i.e.,* (a) Scheduled Castes and Neo Buddhas; (b) Scheduled Tribes; (c) Denotified and Nomadic Tribes; and (d) Other Backward Communities.

(ii) Reservation in services and educational institutions for different categories of Backward Classes should be related to the percentage of their population in the State.

2.47 The Government broadly accepted the above recommendations and made the following reservation in the State services and educational institutions for the four categories of Backward Classes :—

Name of Category	Percentage of reservation
1. Scheduled Castes and Scheduled Castes converts to Buddhism	13%
2. Scheduled Tribes	7%
3. Denotified and Nomadic Tribes	4%
4. Other Backward Communities	10%
TOTAL	34%

2.48 Subsequently, in April 1979 the State Government issued orders that 80 per cent of all vacancies under the State Government, local bodies, etc., should be reserved for Economically Weaker Sections of Society. These weaker sections were defined as families whose income was less than Rs. 200 per month. Where adequate number of suitably qualified candidates were not available to fill 80 per cent of reserved vacancies from persons with family income below Rs. 200 per month, preference for the balance of reserved seats was to be given to candidates whose family income ranged from Rs. 200 to 400 per month.

2.49 In this order, it was also clarified that 80 per cent reservation was inclusive of the earlier reservations made for other backward classes, Scheduled Castes, Scheduled Tribes, etc.

Punjab

2.50 In 1951 the Punjab Government appointed a Committee on Backward Classes and on the basis of its recommendations declared 14 castes, constituting 2 per cent of the State population, as OBCs. Identification was done on the basis of economic, educational and social backwardness. On the basis of the recommendations of the Committee, 2 per cent seats in services were reserved for backward classes. Similar

concession was given in respect of admission to educational institutions also.

2.51 In 1965, the State Government appointed an Evaluation Committee under the Chairmanship of Shri Brish Bhan to review the concessions given to backward classes. In its report submitted in August 1966, the Committee recommended :—

(1) the existing list of backward classes should be rationalised so that classes or castes who are no longer backward could be excluded; and

(2) the existing reservation of 2 per cent of seats in educational institutions should be raised to 5 per cent.

The Committee also observed that reservation in services was not serving any useful purpose and Government should give concessions mainly in matters of education.

2.52 The Government did not accept the Committee's recommendation on abolishing reservation in respect of services. Actually, the reservation quota, both in services and educational institutions, was raised to 5 per cent.

2.53 In its Fourth Report, 1975-76, the Punjab Vidhan Sabha Committee on Welfare of S.C., S.T. and Backward Classes recommended that 15 per cent reservation should be made for OBCs in services. After examining this recommendation, the State Government pointed out that 25 per cent seats were already reserved for Scheduled Castes and 20 per cent for ex-servicemen. As the maximum reservation could not exceed 50 per cent, it was not possible to earmark more than 5 per cent seats for backward classes.

Uttar Pradesh

2.54 A "Most Backward Classes Commission" under the chairmanship of Shri Chhedi Lal Sathi was appointed in October 1975 and it gave its report in 1977. The Commission recommended the classification of Backward Classes into three categories and prescribed reservation of separate quota in Government services for each of the three categories as follows :—

Name of category	Percentage of reservation
1. List 'A' comprising those who are landless labourers, unskilled workers, non-artisans and domestic servants	17%
2. List 'B' comprising marginal and small cultivators	10%
3. List 'C' Mulsim Backward Classes	2½%
TOTAL	29½%

2.55 It proposed the above scale of reservation of seats in educational institutions also and further recommended that preference may be given to students of poor families. Special provision of hostel facilities, scholarships, etc was also recommended.

2.56 The Government of Uttar Pradesh has only partially accepted the above recommendations and ordered reservation of 15 per cent of all vacancies in Government services for the candidates of OBCs. Similar reservation has been made for admission to technical and professional institutions. Subsequently, even this order of reservation has been struck down by Allahabad High Court in 1979 and the matter is now pending in appeal before the Supreme Court.

Tamil Nadu

2.57 Tamil Nadu has been the pioneer in providing special concessions to OBCs. As indicated in para 2.1, in 1927 Madras Government had classified all the communities of the State into five categories under the famous Communal G.O. and earmarked separate quota for each group for recruitment to Government services. This system continued till independence. In 1947, in view of mounting pressure from backward classes the Government revised their representation as follows :—

S. No.	Name of the Group	Group-quota reserved in 1947	Quota revised in 1947
1.	Non-Brahmin Hindus	5/12	6/12
2.	Brahmins	2/12	2/14
3.	Scheduled Castes/Depressed Classes	1/12	2/14
4.	Muslims	2/12	1/14
5.	Anglo-Indian and Christians	2/14	1/14
6.	Backward Hindus	—	2/14

2.58 The above scheme of reservation was struck down by the Supreme Court and subsequently the State Government decided in 1951 that henceforth reservation should be made for the Scheduled Castes and Backward Classes only. [Incidentally, this was the judgement which subsequently led to the insertion of Art 15(4) *vide* First (Constitution Amendment) Act, 1951]. After the separation of Andhra Pradesh, the Government of Madras ordered in 1964 that 16 per cent of all posts under the State Government should be reserved for Scheduled Castes and Scheduled Tribes and 25 per cent for Backward Classes. For admission to Medical Colleges, etc., the earlier system for linguistic-*cum*-district basis was discontinued in 1960 and Orders were issued for reserving 15 per cent seats for Scheduled Castes and Scheduled Tribes and 25 per cent for Backward Classes.

2.59 In November, 1969, Tamil Nadu Government appointed a Backward Classes Commission under the Chairmanship of Shri A. N. Sattanathan and it gave its Report in November, 1970. Its main recommendations were :—

(i) The existing list of Backward Classes contained several inconsistencies and the same should be rationalised;

(ii) 33 per cent of posts under the State Government should be reserved for the candidates of Other Backward Classes;

(iii) The above reservation should be followed in respect of admission to various professional and technical institutions also; and

(iv) Various educational concessions, special coaching facilities, etc., should be provided to the students of Other Backward Classes.

2.60 Keeping in view the recommendations of the Commission, the Supreme Court judgement in Balaji's case and the population of Scheduled Castes and Scheduled Tribes as per 1971 Census, the State Government ordered reservation of 31 per cent of all posts for (Other) Backward Classes and 18 per cent for Scheduled Castes and Scheduled Tribes. In respect of educational institutions also the reserved quota for these two categories of students was fixed at 31 per cent and 18 per cent respectively.

2.61 The State Government has enhanced the reservation quota for OBCs from 31 per cent to 50 per cent from January 24th, 1980, both in Government services and educational institutions. This is in addition to the quota of 18 per cent reserved for S.Cs. and S.Ts. A writ against this order is pending in the High Court of Tamil Nadu.

2.62 The Tamil Nadu Government is also giving scholarships, free mid-day meals, school uniforms, text books, etc., to Backward Class students. Separate hostel and special coaching facilities have also been started for them. Occupational communities are given tools at subsidised rates.

Eight Other States

2.63 Regarding the eight States and Union Territories which have notified lists of Other Backward Classes without ordering a formal inquiry into their conditions, the position is briefly as follows :—

2.64 Haryana has provided for 10 per cent reservation in Government services and 2 per cent in professional and technical institutions for Other Backward Classes. Himachal Pradesh has reserved 5 per cent of all posts for OBCs and also extended some educational concessions to the Backward Class students. Assam and Pondicherry have not reserved any posts for OBCs in Government services, but some reservation has been made in educational institutions. Rajasthan, Orissa, Meghalaya and Delhi have neither reserved any posts in Government services nor any seats in educational institutions for OBC candidates. They extend some marginal concessions regarding school fees, books, mid-day meals etc., to backward class students. In 1961, both Orissa and Delhi withdrew the lists of OBCs prepared on the basis of caste and adopted economic criterion for determining backwardness.

2.65 The States and Union Territories which have never prepared a list of OBCs or taken any separate action for their upliftment are : Andaman and Nicobar Island; Arunachal Pradesh, Chandigarh; Dadra and Nagar Haveli; Goa, Daman and Diu, Lakshadweep; Madhya Pradesh; Manipur; Mizoram; Nagaland; Sikkim; Tripura and West Bengal.

2.66 Government of West Bengal set up a Committee on August 1st, 1980, to study whether it was necessary to invoke the powers vested in the State Government under Articles 15(4), 16(4) and 29(2) read with Article 15(4) of the Constitution. In its report submitted on August 30th, 1980, the Committee recommended that "Poverty and low levels of living standards rather than caste should, in our opinion, be the most important criteria for identifying backwardness." It also recommended the identification of occupational groups as backward and formulation of comprehensive programmes "for the economic development and educational advancement of these groups who are below the poverty line ......" The Committee was against reservation of quotas in Government services for backward classes.

2.67 The report of the Committee has ben accepted by the Government of West Bengal *in toto*.

CHAPTER III

METHODOLOGY AND DATA BASE

3.1 One important reason as to why the Central Government could not accept the recommendations of Kaka Kalelker Commission was that it had not worked out objective tests and criteria for the proper classification of socially and educationally backward classes. In several petitions filed against reservation orders issued by some State Governments, the Supreme Court and various High Courts have also emphasised the imperative need for an empirical approach to the defining of socially and educationally backwardness or identification of Other Backward Classes.

3.2 The Commission has constantly kept the above requirements in view in planning the scope of its activities. It was to serve this very purpose that the Commission made special efforts to associate the leading Sociologists, Research Organisations and Specialised Agencies of the country with every important facet of its activity. Instead of relying on one or two established techniques of enquiry, we tried to cast our net far and wide so as to collect facts and get feedback from as large an area as possible. A brief account of this activity is given below.

(i) *State Government Questionnaire*

3.3 The Commission was formally inaugurated by the then Prime Minister on March 21st, 1979, and soon thereafter, at our request, Department of Anthropology, Delhi University, organised a two-day seminar on social backwardness. The main objective of this seminar was to start a well informed debate on the term of reference of the Commission and establish a rapport between its Members and the Academics. This proved to be a very happy augury for the Commission's work and the continuous support that we received from the academic community has, undoubtedly, benefited us a great deal.

(2) *Questionnaires*

3.4 In April 1979 the Commission issued the following three questionnaires to all the State Governments, Central Ministries/Departments and the General Public (Appendices 2, 3 and 4, Vol. II).

(i) *State Government Questionnaire*

3.5 In this questionnaire State Governments were requested to supply information on their concept of social and educational backwardness, steps taken for the welfare of OBCs, representation of Other Backward Classes in Government services, income levels and social status of manual workers and occupational communities, their educational levels and incidence of drop-outs, etc. Replies were received from all the State Governments and Union Territories.

(ii) *Questionnaire for Central Ministries/Departments*

3.6 In this questionnaire the Central Ministries/Departments and the Public Undertakings working under them were requested to supply information regarding the number and percentage of employees of Other Backward Classes employed in those Organisations. A rough and ready criteria of social and educational backwardness was also given in this questionnaire. In all 30 Ministries and Departments and 31 Attached and Subordinate offices furnished the desired information.

(iii) *Questionnaire for the General Public, Voluntary Organisations, etc.*

3.7 This questionnaire was issued to Members of the general public, social workers, publicmen, caste associations, voluntary organisations, etc., to elicit their views on the criteria for social and educational backwardness, social mobility since independence, place of caste in the social structure of India, social and civil disabilities suffered by backward classes, etc. This questionnaire was published in leading English and vernacular Papers of each State at the time of the Commission's tour and it was also widely distributed in meetings held during the Commission's tour. In all 1872 replies to this questionnaire were received by the Commission from all over the country.

3.8 Information collected in response to the above three questionnaires was systematically compiled, collated and analysed and it has been used in the relevant Chapters of this Report.

(3) *Commission's Touring*

3.9 The Commission undertook extensive tours of the country to get first hand information from various communities and sections of the public on the problems of social and educational backwardness. It toured and in the process, it visited 84 district headquarters, 37 villages, attended 171 formal meetings and received 2638 representations from publicmen and voluntary organisations. At each State Headquarters the Commission had useful discussions with Chief Ministers, Ministers, Members of Parliament, Members of Legislative Assemblies, senior officials, representatives of State and Central Public Undertakings, voluntary social organisations and other prominent publicmen.

3.10 This proved to be a most fruitful exercise and gave the Commission deep insight into the problems and conditions of Other Backward Classes and the way various sections of society react to these.

(4) *Evidence Before The Commission*

3.11 The Commission invited a number of people's representatives, eminent publicmen, sociologists, journalists, demographers, etc., for tendering evidence on various problems pertaining to the socially and educationally backward classes. In 1979, all Members of the Sixth Lok Sabha were issued invitations in this behalf and quite a large number appeared before the Commission for evidence Quite a few Rajya Sabha Members also tendered evidence in this connection. A list of all the Members of Parliament, publicmen and experts, who appeared before the Commission in this connection, is given at Appendix-5, Volume II of this Report.

(5) *Socio-Educational Field Survey*

3.12 The Commission constituted a penal of 15 experts under Prof. M N. Srinivas for preparing the design of a country-wide Socio-Educational Field Survey: The panel met in Delhi from July 16th to 20th, 1979, and, after detailed deliberations, prepared a set of schedules. dummy tables, instructions, etc.. for undertaking this Survey.

3.13 To make full and proper use of the massive information flowing from the Survey, it was also decided that the whole operation of processing the data should be computerised. It was hoped that the results of this Survey will throw up a set of indicators which constituted the syndrome of social and educational backwardness in the Indian conditions. Full particulars of this Survey are contained in Chapter XI of this volume.

(6) *Case-Studies, Special Reports, etc.*

North-South Comparison of Backward Classes Welfare

3.14 Southern States have a fairly long and peaceful history of giving substantial benefits to Other Backward Classes and these States have done more for their welfare than any other region in India. On the other hand Northern States have been quite slow and hesitant in framing any welfare scheme for Other Backward Classes. In fact very modest reservations made in services and Educational Institutions in Bihar and Uttar Pradesh in the recent years have given rise to wide-spread protests and agitation. As it appeared necessary to have a clear understanding of local factors, social attitudes, prejudices, etc. for this contrast in responses to the same phenomenon, the Commission engaged Tata Institute of Social Sciences, Bombay, to undertake a case-study of four States, *i.e.* Tamil Nadu, Karnataka. Bihar and Uttar Pradesh with this end in view. The results of this study have been given in Chapter VIII of this volume

(7) *Analysis of Census Data, Village Monographs and Special Reports*

Caste Indexing 1891/1931

3.15 On the basis of 1891 and 1931 Census, data was collected and analysed with a view to getting a frame for the linkage of traditional occupations by caste. The main object of this exercise was to get an idea of social mobility amongst various castes during the intervening period of 40 years. Such data was Compiled fully for the States of Bihar and Uttar Pradesh and caste index by traditional occupations was prepared for these two States. This study could not be carried beyond 1931, as listing of castes was discontinued in subsequent Census operations.

Village Studies by Anthropological Survey of India, Calcutta

3.16 At the Commission's request, the Anthropological Survey of India, Calcutta, made available its village studies pertaining to Andhra Pradesh, Bihar, Karnataka, Madhya Pradesh, Maharashtra, Punjab, Tamil Nadu, Tripura and Uttar Pradesh. From these studies the Commission could cull useful information about the socio-economic conditions of rural population of these States.

3.17 A large number of survey reports and monographs prepared by the Indian Council of Social Sciences Research, New Delhi, Labour Bureau (Ministry of Labour), National Labour Institute, Institute of Economic Growth, New Delhi. Centre for the Study of Developing Societies, New Delhi, Indian Social Institute, New Delhi, etc., provided the Commission with a mine of useful information on the conditions and problems of socially and educationally backward classes.

(8) *Legal and Constitutional Issues*

3.18 During the last 20 years Supreme Court and various High Courts have decided a number of cases regarding the reservation of posts in Government Services, allocation of seats in Educational Institutions and giving of various other benefits to Other Backward Classes by several States. As very important Constitutional and Legal issues have been discussed in these judgements, it was necessary for the Commission to take due cognisance of these judical pronouncements in formulating its recommendations for the identification of Backward Classes and suggesting measures for their upliftment. In view of this, the Commission engaged Law Institute of India, New Delhi, to prepare a comprehensive Report on this subject.

CHAPTER IV

SOCIAL BACKWARDNESS AND CASTE

4.1 Castes are the building bricks of Hindu social structure. All sorts of virtues and evils have been attributed to caste system by the social historians. But this controversy is not germane for our purpose. Here we are mainly concerned with the manner in which caste has fragmented the social consciousness of Hindu society by dividing it into numerous groups arranged in a hierarchical order. In his Contemporary Indian Philosophy, Prof. A. R Wadia has observed. "The high metaphysics of Upanishads and ethics of the Gita have been reduced to mere words by the tyranny of the caste. Emphasising the unity of the whole world, animate and inanimate, India has yet fostered a social system which has divided her children into water-tight compartments, divided them from one another, generation to generation, for endless centuries." It may be further remarked that in this process of division, groups called castes have been permanently assigned high or low ranks simply on the basis of birth.

4.2 One important outcome of this ritual ranking of castes has been to create deep-rooted vested interests in this system and to enable the higher castes to exploit the lower ones through the institutional framework of social organisation.

4.3 In fact there is nothing unusual about this phenomenon. Ruling classes everywhere have tried to perpetuate their privileges through all sorts of devices and aristocracy has generally joined hands with the clergy in this process. Giving an example of English popular preaching in the medieval ages, Owst* writes, "...... each man's first duty be he knight or priest, workman or merchant—is to learn and labour in the things of his particular calling, resting content therewith and not aspiring to meddle with the tasks and mysteries of others. The social ranks and their respective duties, ordained by God for humanity, were intended to remain fixed and immutable. Like the limbs of the body, they cannot properly exchange either their place or function."

4.4 This is as close an approximation to the brahmanical view of caste as one can expect! The Rigvedic hymn of Purushasukta, which contains the earlist reference to Chaturvarna, also states that after the primeval sacrifice, "his mouth became the Brahmin; his two arms were made into the Raianaya (kshatriva) : his thighs in the Vaishyas; from his two feet the Shudra was born." (Rigveda · 10.90) Whereas the English Priest and the Vedic hymn are saying more or less the same thing, and this view of the divine sanction of the privileges of the ruling classes was preached in most other countries, it is only in India that this concept got formalised into a cast-iron mould.

4.5 The real triumph of the caste system lies not in upholding the supremacy of the Brahmin, but in conditioning the consciousness of the lower castes in accepting their inferior status in the ritual hierarchy as a part of the natural order of things. In India caste system has endured for over 3,000 years and even today there appear no symptoms of its early demise. No social institution containing so large an element of inequality and discrimination towards majority of the people can survive that long in a purely social context. It was through an elaborate, complex and subtle scheme of scripture, mythology and ritual that Brahmanism succeeded in investing the caste system with a moral authority that has been seldom effectively challenged even by the most ardent social reformers. How religion and mythology were used the weave this magic web, we shall try to show with the help of some well-known examples.

4.6 The concept of divine origin of the caste system has the authority of the holiest Hindu scriptures. As mentioned earlier, Rigveda describes the creation of four Varnas from the limbs of Purshasukta. The Taittiraya Samhita not only ascribes the origin of Chaturvarna from the limbs of the Creater, but also interprets this origin theologically and gives divine justification of their functions and status. In Gita, Lord Krishna says, "The four-fold Order was created by Me, on the basis of quality and action."

4.7 "All Hindu Dharma Shastras take caste for granted. All Puranas assume the existence of caste and look upon it as a permanent order of society."*

4.8 "The Dharma Shastras mention that if a man does good deeds he will be born in a high caste and be well-endowed, while if he does evil acts, he will be born in a low caste, or even as an animal, a pig or a donkey."@

4.9 Ranking of the Hindu society into four Varnas furnished Brahmanical orthodoxy with the bed-rock on which it erected its elaborate caste structure. One essential feature of this institution is the concept of 'purity and pollution'. "In Hindustan proper, castes can be divided into five groups; first, the twice-born castes; second, those castes at whose hands the twice-born can take "Pakka" food; third, those castes at whose hands the twice-born cannot accept any kind of food but may take water; fourth, castes that are not untouchable yet are such that water from them cannot be used by the twice-born; last come all those castes

*Literature & Pulpit in Medival England by G.R. Owst, Oxford, 1961.

*'Hindu Society at Cross-road's by K. M. Pannikar, Asia Publishing House, Bombay, 1971.

@'Caste in Modern India' by M.N. Srinvas, Asia Publishing House, Bombay, 1964.

whose touch defiles not only the twice-born but any orthodox Hindu."*

4.10 "...... the Shanar, toddy-tapper of Madras, contaminates a Brahmin if he approaches the latter within twenty-four paces .... A Nayar may approach a Nambudiri Brahmin but must not touch him, while a Tiyan must keep himself at the distance of thirty-six steps from the Brahmin, and a Pulayan may not approach him within ninety-six paces. A Tiyan must keep away from a Nayar at twelve paces, while some castes may approach the Tiyan, though they must not touch him."*

4.11 "...... In the Maratha country a Mahar—one of the untouchables—might not spit on the road lest a pure-caste Hindu should be polluted by touching it with his foot, but has to carry an earthen pot, hung from his neck, in which to spit. Further he had to drag a thorny branch with him to wipe out his foot prints and to lie at a distance prostrate on the ground if a Brahmin passed by, so that his foul shadow might not defile the holy Brahmin."*

4.12 Another sociologist quotes the following passage from the 'Hindu of 24-12-1932 as an example of visual pollution:

> 4.13 "In this (Tinnevelly) district there is a class of unseeables called purada vannans. They are not allowed to come out during day time because their sight is considered to be pollution. Some of these people who wash the clothes of other exterior castes working between midnight and day-break, were with difficulty persuaded to leave their houses to interview."@

4.14 The award of punishments and levy of taxes were also closely related to an individual's caste. "A Brahmin was exempt from the usual taxes .... both the person and property of Brahmin were absolutely inviolate ..... Kautilaya prescribes differential rates of interests for debts according to different castes, a Brahmin being charged per cent, kshatriya 3; a vaishaya 4; and a shudra 5 per cent ..... A brahmin is entitled to whatever exists in the world. In fact the whole world is his property and others live on his charity."* The Mahabharata says, "the Shudra can have no absolute property, because his wealth can be appropriated by his master at will".**

4.15 Regarding litigation: "In a local dispute between a Brahmin and a non-Brahmin the arbitrator or a witness must speak in favour of the former."@ According to 'Satapatha Brahmana', "a murder of a Brahmin alone is the real murder, while the Yajurveda declares it to be a more heinous crime than that of killing any other man."£ On the other hand, Manu says that the "slaying of a Shudra by a Brahmin is equivalent merely to the killing of a cat, a mongoose, a blue jay, a frog, a lizard, an owl or a crow."$

4.16 "..... A king shall never sentence a Brahmin though convicted for all possible crimes but may banish him with all his property secure and his body unhurt. No greater crime is known on the earth than the slaying of a Brahmin and the king, therefore, must not even form in his mind an idea of killing a priest."%

4.17 "If a shudra mentions the name and class of the twice-born with contumely, an iron nail, ten figures long shall be thrust red-hot into his mouth."*

4.18 The thoroughness with which caste-based discrimination was propagated and practised may be judged from the fact that even in matters of dress the lower castes were forbidden to emulate their superiors. The wearing of 'Janeu' (sacred thread) marked the dividing line between caste-Hindus and the Shudras and even in recent times the attempts by some lower castes to wear 'Janeu' were violently resented by the twice-born. "The toddy-tappers of Malabar and the east coast, Izhavas and Shanaras, were not allowed to carry umbrellas, to wear shoes or golden ornaments, to milk cows or even to use the ordinary language of the country."@@

4.19 In Mysore State, the women of certain lower castes were not permitted to cover their bosoms. There arose a sharp controversy over this issue resulting in civil disturbances and ultimately the Maharaja of Mysore had to issue a Royal Proclamation permitting the aggrieved castes to wear jackets or cover their bosoms, "in any manner they desire, but that they were not permitted to imitate the dress and hair styles of higher castes."**

4.20 The above account will show as to how every important facet of a Shudra's personal, social and economic activity was severely influenced by his low caste status. Mythology and scriptures were also pressed into service to establish the inherent superiority of the Brahmin and the low social ranking of the Shudras. For instance, Tulsidas states in his Ramayana:

(Venerate a Brahmin even if he is devoid of all virtue, but not a Shudra even if he is packed with virtue and knowledge).

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*'Caste and Class in India' by Dr. G.S. Ghurye, The Popular Book Depot, Bombay.

@Rise & Awakening of Depressed Classes in India by J.R. Kamble, National Publishing House, New Delhi. 1979.

@Ibid.

£Ibid.

$J.R. Kamble, ibid.

%Code of Manu quoted by J.R. Kamble, ibid.

*'Social Movements and Social Transformation' by M.S.A. Rao.

@@Ghurye, ibid.

**M.S.A. Rao. ibid.

Quoting from Apasthmba, Ghurye says, "Between a hundred year old Kshatriya and a 10 year old Brahmin, the latter is said to be like the father."*

4.21 Balmiki's Ramayana tells the famous history of Shambuk, a Shudra, who hung himself by his feet from a tree in the forests of Uttarkhand and went into deep meditation for 12 years. At the death of a Brahmin boy whose father was still living, some of his kinsfolk complained to Rama that this outrage had occurred because Shambuk had committed the sacrilegious act of meditation despite being a Shudra. Rama went to Uttarkhand forests and after verifying the truth of this allegation, beheaded Shambuk for his temerity.

4.22 Mahabharata narrates the story of Eklabya, a tribal boy, who went to Guru Dronacharaya for learning Dhanur Vidya (archery). The Guru refused to take him as a pupil, as this vidya could be imparted to Kshatriyas only. One day Dronacharaya went to a forest with his students, Kauravas and Pandavas, to practise archery. A dog accompanying the party was hit by an arrow in the mouth, when he happened to bark. Obviously, the archer, hidden from the view, had hit the dog by just aiming in the direction of his bark. Dronacharaya knew that only Arjuna was capable of such a feat. He called for the marksman and Eklabya emerged from the forest and confessed having killed the dog by his arrow. On being asked about the identity of his Guru, he replied that he was Dronacharya's pupil. In explanation he recalled the earlier episode and stated that he had learn Dhanur Vidya from the statue of Dronacharya which he had erected in the forest. Dronacharya asked for the right hand thumb of Eklabya as Guru Dakshina. Eklabya readily complied with the wishes of his Guru, though he could never again handle a bow with his disabled hand.

4.23 If religion was ever used as an opium of the masses, it was done in India, where a small priest-class, by a subtle process of conditioning the thinking of the vast majority of the people, hypnotised them for ages into accepting a role of servility with humility. As labourers, cultivators, craftsmen, etc., shudras were the main producers of social surplus. Their social labour was the life-blood of India's great civilisation. Yet socially, they were treated as out-castes; they had no right in private property; they carried the main burden of taxes, and the heaviest punishments were awarded to them for minor infringements of the social code. As their low caste status was tied to their birth, they toiled and suffered without any hope.

4.24 It may be argued that when Lord Krishna said, "The four-fold Order was created by Me on the basis of quality and action", he linked an individual's caste to his Karma instead of the accident of birth. Here, Bhagwat Gita, no doubt, marks an important change in attitude at the philosophical level. But in actual practice this philosophy of caste takes the sting off the institution (of caste) and skilfully stereotypes it .... The difference between the Sutra theory of caste and this theory is significant .The Brahmin authors of the Sutras promised salvation to the Shudra only through the intermediacy of birth in higher castes. In plain words, it was tantamount to asking him to wait till doomsday . .... The Gita, on the other hand, disarms opposition on more counts than one. First, it tries to provide a rationale for the original division into four Varnas. Secondly, it unequivocally asserts the virtual equality of these divisions as far as the value of their distinct work and their inherent capacity for working out the individual salvation are concerned".*

4.25 Gandhiji developed this theme much further in his crusade against untouchabilty. But what was the net impact of the Gita's view of caste or Gandhiji's crusade on a common man's perception of the caste system ? When dealing with the living social reality, what counts is not the fine metaphysical concepts embodied in great religious works of a people, but the home-spun ideas that have percolated into the consciousness of the masses and become a part of their world-view. In this sense the caste system has meant division of Hindu society into numerous isolated castes and jatis who marry among themselves, dine among themselves and, broadly pursue traditional occupations. Further, birth determines their caste and every caste has a fixed rank in the ritual hierarchy.

4.26 The above scheme of social organisation, transfixed for over 3,000 years, had far-reaching effects on the growth and devlopement of various castes and communities. For instance, as exclusive custodians of higher knowledge, the Brahmins developed into a highly cultivated community with special flair for intellectual pursuits. On the other hand, the Shudras, being continuously subjected to all sorts of social, educational, cultural and econmic deprivation, acquired all the unattractive traits of an unlettered rustic. The following passage from Rajni Kothari's 'Caste in Indian Politics' will show as to how the low castes fared in competition with the higher castes even when several of their crippling handicaps had been removed :—

> As Brahmins entered the institutions of higher learning, the professions and the services, everywhere they formed cliques from which non-Brahmins were excluded. Between 1892 and 1904, out of 16 successful candidates for the I.C.S. 15 were Brahmins, in 1914, 93 out of 128 permanent district munsifs were Brahmins; in 1944, 452 out of 650 registered graduates of the University were Brahmins.

4.27 In case the above example appears too remote in time, and one is led to expect that after nearly three decades of special concessions and encouragement the lower castes are fast coming into their own, the following example may prove an eye-opener. Over the period of ten years from 1969 to 1978, only ten candidates belonging to Scheduled Castes and Tribes got into I.A.S. on the basis of merit. As late as 1976 and 1977 not a single S.C. or S.T. candidate could make the grade in open competition. Similarly, only six S.C. and

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*Ibid.

*Ghurye, Ibid.

S.T. candidates got into I.P.S. on the basis of merit during these 10 years. (Appendix 6).

4.28 This small but telling example gives some idea of the cultural lag that the depressed classes have still to make up before they are able to overcome their historical handicaps.

4.29 As caste conditioned and controlled every aspect of an individual's life, it led to the creation of a society in which there was no 'rank disequilibrium'. In other words, the lower castes were backward not only socially, but also educationally, politically and economically. On the other hand, the higher castes were advanced in all these spheres. The basic cause of this phenomenon was the higher or lower rank of a particular caste in the ritual hierarchy.

4.30 In fact the role of caste status was so pervasive in society that the idea and administration of justice were completely coloured by it. Used as we are today to the concept of the 'Rule of law', it will be interesting to compare this view with the perception of law in the earlier Hindu society where a man's worth was directly related to his status in the caste hierarchy.

4.31 "For Englishmen, the law, if it is to be universal, impersonal and impartial, ought to be blind, an idea graphically illustrated by the representation of justice as a classically clad, blindfolded women holding balanced scales. For Hindu law, the reverse wa true; the differences among men in society were central to their legal identity, rights and obligations".*

4.32 The fact that despite having lived under the rule of law during the British regime and made it the corner-stone of our Constitution, in actual practice our law still makes a lot of allowance for a person's status, is an interesting example of the historical hang-over from the earlier times.

4.33 In view of the foregoing will it be too much to say that in the traditional Indian society social backwardness was a direct consequence of caste status and, *further*, that various other types of backwardness flowed directly from this crippling handicap ?

*'The Modernity of Tradition' by Lloyd I. Rudolph and Susane Hoeber Rudolph (Orient Longmans Ltd., New Delhi 1967).

CHAPTER V

SOCIAL DYNAMICS OF CASTE

5.1 Two serious objections may be raised to the argument developed in the last Chapter. First, the model of caste system based on the Hindu Shastras actually represents an ideal conceptualised by the priest-class and not the actual state of social reality. For instance, it is not likely that a red hot nail was thrust in the mouth of a Shudra if he uttered the name of the twice-born or, that, slaying of a Shudra by a Brahmin mattered as little as the killing of a frog or a crow.

5.2 Secondly, caste restrictions have loosened considerably as a result of the rule of law introduced by the British, urbanisation, industrialisation, spread of mass education and, above all, the attainment of Independence and the introduction of adult franchise.

5.3 Both the above points are quite valid but, unfortunately, they do not materially alter the basic position stated in the last Chapter. Even if the caste model described by us represents an ideal State, yet it does not negate the fact that caste system has been the most enduring basis of social organisation in India or, that, it has divided the Indian society into a large number of hierarchically arranged high and low castes or, that, the lower castes have suffered crippling social handicaps for centuries as a result of their low caste status. Similarly, despite all the modifications that caste has undergone over the ages and, specially after Independence, changes in the caste system are representative more of shifts in emphasis than any material alteration in its basic structure.

5.4. Caste has endured over the ages owing to its great resilience; like the proverbial cat, it has nine lives. In fact, no scheme of social organisation can survive for long unless it keeps adjusting with changes in society and is able to produce effective answers to the contemporary problems. It was its basic resilience that enabled caste system to survive the challenges of Buddhism and Islam, the shock of the alien British culture and administration and crusades of Gandhi, Ambedkar and Lohia.

5.5 Inevitably, the Constitutional commitment to establish a casteless and egalitarian society and, particularly, the introduction of adult franchise, has unleashed the strongest forces to which caste system has been exposed so far But, characteristically, here also this wily institution, emulating the examples of Hindu Avtars, is assuming new forms without showing much loss of its original vitality. In fact, several observers feel that the logic of democratic politics and mass mobilisation has brought caste to the centre of the stage. "..... where the caste structure provides one of the principal organisational clusters along which the bulk of the population is found to live, politics must strive to organise through such a structure By drawing the caste system into its web of organisation, politics finds material for its articulation and moulds it to its own design. In making politics their sphere of activity, caste and kin groups, on the other hand, get a chance to assert their identity and to strive for positions; Drawing upon both the inter-acting structures are the real actors, the new contestants for power."*

5.6 In fact, being the unit of social organisation in India, the role of caste was bound to increase under a political system based on adult franchise. "Those in India who complain of 'casteism' in politics," observes Kothari, "are really looking for a sort of politics which has no basis in society". In the process of polticisation, caste has provided a cushion for absorbing the impact of modernist forces without disrupting the social fabric. Rajni Kothari further observes that the inter-action of caste and democratic politics has produced two results : First, "the caste system made available to the learedship structural and ideological basis for political mobilisation . . . Second, the leadership was forced to make concessions to local opinion, take its cue from the consensus that existed as regards claim to power, articulate political competition on traditional lines and in turn, organise castes for economic and political purpose ..... . Politics and society began moving nearer and a new intra-structure started coming into being."

5.7 "Had other avenues of social advancement and status mobility been available to the aspirant caste groups," continues Kothari, "it is doubtful whether policies would have been so much impressed by caste as it is ..... Politics affords to the lower castes an opportunity to achieve through politics what they cannot through social instrumentalities."**

5.8 The manner in which various castes and caste groups mobilise themselves in the power game depends upon the level of political action. "At the State or even at the district level minor segments merge with one another so as to be able to operate as viable units. But this kind of merger easily comes about precisely because basis for it already existed in the traditional structure. At the village level, a major segment may sub-divide and its component units be opposed to one another, again because the cleavage was present in the past."*

5.9 From the foregoing it will be seen that despite the resolve of our Constitution-makers to establish a casteless society, the importance of caste has increased in some of the most important spheres of our national

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*Caste in Indian Politics by Rajni Kothari.

***Ibid.*

life. As electoral politics is primarily a numbers game, this development was implicit in the very scheme of things. Of course, as pointed out by Rajni Kothari, the institution of caste has played a useful role by providing ready-made traditional channels of mobilisation and articulation. Yet the hard fact remains that the excessive and unrestrained use of these channels has only helped to deepen and broaden them. In fact many political observes have pointed to the importance attached to caste by all political parties in the selection of candidates for elections to the Parliament and the State legislatures. And this phenomenon surfaced soon after Independence when the stalwarts of the freedom movement were still dominating the national scene. "Strong caste rivalries were seen in Bihar during the 1951 elections. The three chief castes were : Rajput (Led by the then Finance and Food Minister, A. N. Sinha); Bhumihar (led by the then Chief Minister, Dr. Sri Krishna Sinha) and Kayastha (led by Shri K B. Sahay, Minister for Revenue and Excise) ..... The Congress exploited, the principal of caste in the elections. Rajkumari Amrit Kaur was brought to tour the tribal areas to wean away tribesmen, a good many of whom are Christians, from a separatist demand for tribal State to be called Jharkhand "*

5 10 Regarding Andhra, Srinivas quotes the following passage from Harrison* :

> "As an example of Hindu caste discipline in *political motion the post-war decade in Andhra* merits special attention. Caste has played so fundamental a role during this period that this *examination becomes in effect a case history* in the impact of caste on India's representative institutions "

5.11 Prof. Srinivas further observes, "Caste is omnipresent in modern Mysore. As in Andhra the Congress party is dominated by two leading castes, one of which is the Lingayat and the other, Okkaliga. Lingayat-Okkaliga rivalry is colouring every issue, whether it be appointments to Government posts or reservation of seats in colleges, or selection of local bodies and legislatures." Whereas this observation is nearly two decades old, the Commission found evidence of the same rivalry today during its tour of Karnataka

5.12 In this process of mobilisation, the emergence of caste associations, "the amalgamation of analogous castes with a view to the exercise of social and political influence."@ has been a very significant phenomenon in the development of rivalry between the higher and the lower castes. Whereas 'fission' was an old feature of caste system where castes were "characterised by the fissiparous tendency to break down into new endogamous sub-units .... the caste association is clearly a modern creation—and has been both the product and the agent of caste fusion within the overarching caste category."* In para 5 8 we have already noted that the level of caste mobilisation corresponds to the level of political action. In the pursuit of political power, caste associations have spilled over all the earlier restrictive boundaries. "The Ahir Kshatriya Mahasabha is organised for the Ahirs of the whole of Uttar Pradesh, while the All India Yadava Mahasabha of herding castes operates throughout India. The operational units of caste have always been much smaller than this and until recently the organisation of castes on such a large scale was exceptional."**

5.13 *In fact it is mainly through the caste associations* and not individual castes that caste has served as an *important* channel for political action. "By mobilising similar but dispersed and isolated Jatis of village and locality in horizontal organisations with common identities, caste associations have contributed significantly to the success of political democracy by providing basis for communication, representation and leadership."***

5.14 The size and area of activity of these caste associations operating in India today is truly enormous. Most of the leading castes like Rajputs, Thakurs, Kayasthas, Yadavas, Jats, etc. have forged countrywide links amongst similar caste-clusters Other important regional castes like Kamas, Reddis, Vokkaligas, Lingayats, Nadars, Ezhavas, Mahars, Marathas, etc. are having strong regional organisations and pressure groups.

5.15 The extension of caste's operational field from the confines of village and endogamous level to the State or all-India level may give the impression that, at long last, caste system is losing its traditional, divisive role and, hopefully, we are moving towards the goal of national integration. Nothing could be farther from the truth. Whereas it is no doubt true that the forces of modernity have loosened the old caste bonds in some areas and weakened some traditional caste taboos, yet this does not imply that the caste system itself is showing signs of debility.

5.16 As noted earlier, the institution of caste has great resilience and the post-independence changes have resulted more in the shift of emphasis than in any significant decline in 'casteism' About the real nature of caste associations, E M.S. Namboodiripad has remarked that these were "the first form in which the present masses rallied and struggled against feudalism." Today, however, it is easy enough to see ..... that these caste organisations are not the class organisations of the peasantry; they had, on the contrary, concealed the caste separatism of the people in general and of the peasant in particular so that the grip of these caste organisations on the peasantry has to be broken up if they are to be organised as a class."** In the same context, Rudolphs have remarked, "The traditional

*Case in Modern India by M.N. Sriniva (Asia Publishing House) Bombay, 1964

@Caste *in India' by J.M. Hutton, Canbridge University* Press.

*Caste: Fission and Fusion by R L. Hardgrave Jr., Economic and Political Weekly, July, 1968.

**Caste, Class and Politics by Anit Bhutt, Manohar Book Services, Delhi, 1975.

***The Modernity of Tradition by L.A. Rudolph, Susana Rudolph, Orient Longmans Ltd., 1967.

authority and functions of the Jatis are declining but the caste associations' concern to control or influence those who hold political power and thereby allocate resources, opportunity and honour has revived and extended loyalties in new and larger contexts."**

5.17 The above account should serve as a warning against any hasty conclusion about the weakening of caste as the basis of social organisation of the Hindu society. The pace of social mobility is no doubt increasing and some traditional features of the caste system have inevitably weakened. But what caste has lost on the ritual front, it has more than gained on the political front This has also led to some adjustments in the power equation between the high and low castes and thereby accentuated social tensions. Whether these tensions rent the social fabric or the country is able to resolve them by internal adjustments will depend on how understandingly the ruling high castes handle the legitimate aspirations and demands of the historically suppressed and backward classes.

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*The National Question in Kerala, (Bombay, 1952).

***Ibid.*

CHAPTER VI

SOCIAL JUSTICE, MERIT AND PRIVILEGE

6.1 Equality before the law is the most precious democratic right of an Indian citizen and it is enshrined in Article 14 of the Constitution of India. This right is further elaborated and made specific in Article 15, 16 and 29 of the Constitution. These Articles prohibit discrimination against any citizen on grounds only of religion, race, caste, sex, language or place of birth, whether in respect of employment or admission to educational institutions, or access to public places, etc.

6.2 The above Article constitute the bed-rock of a citizen's fundamental rights. But by ensuring equality of opportunity to all citizens in respect of educational and employment opportunities, we may be ignoring the special problems of some backward sections of our people wo have suffered from social, cultural, educational and economic deprivation for hundreds of years. On the face of it the principle of equality appears very just and fair, but it has a serious catch. It is a well-known dictum of social justice that there is equality only amongst equals. To treat unequals as equals is to perpetuate inequality. When we allow weak and strong to compete on an equal footing, we are loading the dice in favour of the strong and holding only a mock competition in which the weaker partner is destined to failure right from the start. This approach does ensure the 'survival of the fittest'. But we must also note that survival of the fittest is the law of the jungle.

6.3 The humanness of a society is determined by the degree of protection it provides to its weaker, handicapped and less gifted members. Whereas in a jungle everybody fends for himself and devil takes the hind-most, in a civilised society reasonable constraints are placed on the ambitions and acquisitiveness of its more aggressive members and special safeguards provided to its weaker and more vulnerable sections. These considerations are basic to any sheeme of social justice and their neglect will brutalize any human society.

> "In a limited sense, the right to social justice may be defined as the right of the weak, aged, destitute, poor, women, children and other underprivileged persons, to the protection of the State against the ruthless competition of life. It seeks to give the necessary adventitious aids to the underprivileged so that they may have the equal opportunity with the more advanced in the race of life. It is a bundle of rights; in one sense it is carved of other rights; in another sense it is a preserver of other rights. It is the balnacing wheel between haves and havenots."*

*Social Justice and Law by Shri Justice K. Subba Rao National, New Delhi.

6.4 Our Constitution markers were fully alive to the need for providing safeguards to the weaker sections of society. Whereas Articles 15, 16 and 29 create the overall impression of according equal access to all citizens to educational, employment and other facilities, Clause (4) of Article 16 stipulates—

> (4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

6.5 Subsequently as a result of the Constitution (First Amendment) Act, 1951 a similar clause was added to Article 15 also. Thus, it will be seen tha. Clauses (4) of both Articles 15 and 16 make special provisions for the advancement of any socially and educationally backward classes. Further, Article 46 enjoins upon the State the obligation to promote with special care the educational and economic interests of the weaker sections of the people.

6.6 On the face of it, it may appear that special safeguards provided to weaker sections under Articles 15(4) and 16(4) are in conflict with the fundamental rights to education, employment, etc. It has been forcefully argued that the equality of opportunity and treatment granted to every citizen under Articles 14, 15, 16 and 29 of the Constitution is greatly undermined by Clauses 4 of Articles 15 and 16, which enable the State to make special provisions for the advancement of weaker sections of the society. According to this line of reasoning these two Clauses give the State overriding powers to greatly dilute the principle of equality before the law contained in Article 14.

6.7 Here the real conflict arises from the clash between the interests of the individual versus that of society. The Fundamental Rights are primarily concerned with the rights of the individual. Claims of society do not have the same sort of immediacly and urgency as the claims of individuals. Wrongs suffered by individuals stick out much more pointedly than the wrongs suffered by the society. In view of this the exceptions contained under Articles 15(4) and 16(4) appear to confer a privileged status on backward classes which seems out of line with the over-all scheme of Fundamental Rights. It is only under Directive Principles of the State Policy that the claims of society in general are accorded due recognition.

6.8 By now the conflict between the Fundamental Rights and Directive Principles of the State Policy has become a very familiar theme of Parliamentary debates

and judicial pronouncements. This conflict was very vividly highlighted by Pandit Nehru during the Parliamentary debates on the Constitution (First Amendment) Bill, 1951. He stated.

"...., The Directive Principles of State Policy represent a dynamic move towards a certain objective. The Fundamental Rights represent something static, to preserve certain rights which exist. Both again are right. But somehow and sometime it might so happen that dynamic movement and that static standstill do not quite fit into each other."

".... The result is that the whole purpose behind the Constitution which was meant to be a dynamic Constitution leading to a certain goal step by step is somewhat hampered and hindered by the static element being emphasised a little more than the dynamic element and we have to find out some way of solving it."

".... If in the protection of individual liberty you protect also individual or group inequality, then you come into conflict with that Directive Principle which wants, according to your own Constitution, a gradual advance or let us put it another way, not so gradual but more rapid advance, wherever possible, to a State where there is less and less inequality and more and more equality If any kind of an appeal to individual liberty and freedom is to mean as an appeal to the continuation of the existing inequality, then you get into difficulties. Then you become static, that ideal of an egalitarian society which I hope most of us aim at."

6.9 The dilemma pointed out by Pandit Nehru is very real and has been faced repeatedly in the course of implementing legislation aimed at the creation of a more just social order. Whereas we can take legitimate pride in having established a Democratic Republic in India, the elitist and unequal character of Indian society cannot be considered as a matter of much satisfaction.

6.10 Before we examine this issue further, it will be useful to consider the implications of 'Equality' in the context of human societies. H. G. Gans* has observed that three alternative outcomes of 'Equality' are generally considered : (i) Equality of opportunity, (ii) Equality of treatment, and (iii) Equality of results. Equality of opportunity promised under Article 16(1) of the Constitution, is actually a libertarian and not egalitarian principle as it allows the same freedom to everybody in the race of life. "People who start their lives at a disadvantage rarely benefit significantly from equality of opportunity, because, unless they are distinctly superior in skills or upward-mobility techniques; they can never catch up with the more fortunate and most disadvantaged people never even get access to the supposedly equal opportunity .... Equality of opportunity is also an asocial principle, because it ignores the many invisible and cumulative hinderances in the way of disadvantaged; in fact, unless the children of the poor are taken from their parents at birth and brought up in middle-class homes, most are condemned to inequality of opportunity."

6.11 Equality of treatment, observes Gans, may be interpreted in two ways. "On the one hand, it means treating people as roughly equal in impersonal social intersections . ... On the other hand, it means providing people with the same resources regardless of their current resources of socio-econmic position; used in this sense, equality of treatment suffers from the same drawback as equality of opportunity for to treat the disadvantaged uniformly with the advantaged will only prepetuate their disadvantage. Even in the courts which pride themselves on equality of treatment before the law, the defendent who can afford only a poor or overworked lawyer will not often obtain equal treatment from the judge."

6.12 In view of the above considerations, Gans observes, "Consequently, the only truly egalitarian principle is equality of results, which may require unequal opportunity or treatment for the initially disadvantaged so that they eventually wind up equal in resources or rights."

6.13 If a tree is to be judged by its fruits, equality of results is obvisouly the most reliable test of our aspirations and efforts to establish a just and equitable order. A formidable task under any circumstance, it becomes particularly so in a society which has remained segmented in a finely graded caste hierarchy for centuries.

6.14 In fact the essence of Fundamental Rights itself remains unrealised unless proper conditions are created for protecting the legitimate rights of the under-privileged. Soon after Independence every State enacted land reforms legislation, giving security of tenure to tenants and tillers, placed a ceiling on land holdings, etc. As the weak and poor tenants and cultivators did not have the means to enforce their rights and the powerful land owners had the resources and influence to evade ceiling laws, our land measures have fallen far short of their objectives. Stronger sections of society keep perpetrating all sorts of atrocities against Harijans and other backward classes and they are generally able to get away without any punishment. Our entire legal apparatus is so expensive and time-consuming that under-privileged sections of society generally do not have the means or stamina to get justice from law courts. Under these circumstances, the claim of 'Equality before the law' does not carry much conviction with the weaker sections of Indian society. Equality of results being the real acid test of effective equality, there is no running away from the fact that our sovereign democratic republic will remain seriously flawed unless a fair share of the fruits of freedom. Equality of opportunity and Equality of treatment are also made avilable to the backward sections of our

*More Equality, Pantheon Books—New York, 1973.

people. In this connection, Shri Justice K. Subba Rao has observed :

> @" ..... unless adventitious aids are given to the under-privileged people, it would be impossible to suggest that they have equal opportunities with the more advanced people. This is the reason and the justification for the demand of social justice that the under-privileged citizens of the country should be given a preferential treatment in order to give them an equal opportunity with other more advanced sections of the community."

6.15 In this connection nothing generates so much heat and genuine indignation as the concept of 'merit'. Whereas no body objects to the grant of special educational facilities and various other concessions to the backward classes, the provision of a reserved quota in educational institutions or services for members of Scheduled Castes, Scheduled Tribes or Other Backward Classes provokes sharp reaction. The advocates of 'merit' find it very unfair when a depressed class student securing 45% marks gets admission to a medical college in preference to a student from the general quota obtaining 70% marks. The resentment is much greater when a lower ranked backward class competition is selected in preference to a much higher ranked general quota counterpart to an All India Service.

6.16 This sort of reaction is based on two considerations : First, it hurts a person's sense of fair play to see that a more 'meritorious' candidate has been left out in preference to a less 'meritorious' person on purely extraneous grounds. Secondly, it is argued, that by selecting candidates with lower 'merit' against reserved quota vacancies, the nation is being deprived of the services of the best talent that is available to it.

6.17 This line of argument, though plausible on the face of it, suffers from a serious fallacy regarding the nature of 'merit'. We shall try to illustrate this point by a homely example. Mohan comes from a fairly well-off middle-class family and both his parents are well educated. He attends one of the good public schools in the city which provides a wide range of extra-curricular activities. At home, he has a separte room to himself and he is assisted in his studies by both the parents. There is a television and a radio set in the house and his father also subscribes to a number of magazines. In the choice of his studies and, finally, his career, he is continuosuly guided by his parents and his teachers. Most of his friends are of simlar background and he is fully aware of the nature of the highly competitive world in which he will have to carve a suitable place for himself. Some of his relations are fairly influential people and he can bank on the right sort of recommendation or push at the right moment.

6.18 On the other hand, Lallu is a village boy and his backward class parents occupy a low social position in the village caste hierarchy. His father owns a 4-acre plot of agricultural land. Both his parents are illiterate and his family of 8 lives huddled in a two-room hut. Whereas a primary school is located in his village, for his high school he had to walk a distance of nearly three kilometers both ways. Keen on pursuing higher studies, he persuaded his parents to send him to an uncle at the Tehsil headquarters. He never received any guidance regarding the course of studies to be followed or the career to be chosen. Most of his friends did not study beyond middle-school level. He was never exposed to any stimulating cultural environment and he completed his college education without much encouragement from any quarter. Owing to his rural background, he has a rustic appearance. Despite his college education, his pronunciation is poor, his manners awkward and he lacks self-confidence.

6.19 Assuming that Mohan and Lallu had the same level of intelligence at the time of their birth, it is obvious that owing to vast differences in social, cultural and environmental factors, the former will beat the latter by lengths in any competitive field. Even if Lallu's intelligence quotient was much higher as compared to Mohan, chances are that the former will lag far behind the latter in any competition where selection is made on the basis of 'merit'.

6.20 Let us suppose that both of them sit for the All India Services examination and Mohan secures 50% more marks than Lallu Does it mean that Mohan's merit is 50% higher than that of Lallu or, that, he will be 50% more efficient than that village boy. Is it possible to determine that, in view of their respective native intelligence, how these boys would have faired in case they had exchanged places ? If merit also includes grit, determination, abilty to fight odds, etc., should not the marks obtained by Mohan and Lallu be suitably moderated in view of the privilleges enjoyed by the former and the handicaps suffered by the latter ?

6.21 In fact, what we call 'merit' in an elitist society is an amalgam of native endowments and environmental privileges. Mohan and Lallu are not 'equals' in any fair sense of the term and it will be unfair to judge them by the same yard-stick. The conscience of a civilized society and the dictates of social justice demand that 'merit' and 'equality' are not turned into a fetish and the element of privilege is duly recognised and discounted for when 'unequals' are made to run the same race.

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CHAPTER VII

SOCIAL JUSTICE, CONSTITUTION AND THE LAW*

7.1 In the last Chapter we noticed the element of inherent conflict between the Fundamental Rights and the Directive Principles of State Policy and observed as to how Articles 15(4) and 16(4) helped to maintain a state of dynamic equilibrium between these two vital parts of the Constitution. In this Chapter, we shall examine the extent to which these two Articles have served as instrument of State Policy for securing social justice for weaker sections of the society.

7.2 In India, the State is by far the largest employer and the greatest dispenser of all sorts of patronage. Employment under the State and admission to various technical and professional institutions represent to an Indian citizen two most important opportunities to participate in the life of the nation. It is a telling comment on our unequal society that till the introduction of reservation of seats for Scheduled Castes and Scheduled Tribes, nearly 90 per cent of higher posts under the State and seats in medical and engineering colleges were filled by candidates from about 18 per cent of the higher castes. It was the enormity of this inequity that gave rise to various lower-caste movements, particularly in the South, right from the beginning of this century. As a result of sustained agitations, specific quotas of seats had been earmarked in medical and engineering colleges in the States of Madras, Mysore, Travancore-Cochin, etc. much before Independence In post-Independence India, the first important step to remedy this situation was taken with the incorporation of Clause 4 under Article 16 of the Constitution which empowered the State to reserve posts in favour of inadequately represented backward class citizens. The first major challenge to this policy of reservation was posed in Madras by two Brahmin candidates, one each for medical and engineering colleges respectively, who could not get admission despite higher marks. As the Supreme Court's** decision in this case is of historical importance and marked the start of a legal battle the last shot in which has yet to be fired, it will be useful to give a gist of it.

7.3 Under an Order issued by the Madras Government (popularly known as Communal G O.) all seats in medical and engineering colleges were distributed among six communities in a fixed ratio, and candidates of various communities could compete only among themselves for admission and not with candidates of other communities. Two Brahmin candidates who could not get admission against their quota, challenged the Government Order as being violative of the Fundamental Rights under Article 29(2) of the Constitution. The Supreme Court struck down the Communal G.O. on the ground that the classification was based on religion, race and caste and, thus, it was violative of Article 29(2). Madras Government's argument that the said classification was in pursuance of Article 46, which enjoined upon the State to promote with special care the educational and econmic interests of the weaker sections of people, was rejected on the ground that the Fundamental Rights were, "sacrosanct and not liable to be abridged by any Legislative or Executive act or order, except to the extent provided in the appropriate Articles in Part III In our opinion, that is the correct way in which the provisions found in Parts III and IV have to be understood".

7.4 This decision of the Supreme Court had serious implications for the backward classes nad widespread political agitations followed in its wake. These events also highlighted a lacuna in the Constitution and led to the amendment of Article 15 by the addition of Clause 4 through the Constitution (First Amendment) Bill, 1951 This clause reads as follows :—

> Nothing in this Article or in Clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

7.5 Whereas Clause (4) of Article 16 provides for reservation of posts under the State, the new clauses enjoined upon the State to make "any special provision for the advancement of any socially and educationally backward classes . ... ".

7.6 It may be noticed that whereas Article 16(4) refers to "any backward class citizens", the Clause (4) of Article 15, the reference is "any socially and educationally backward classes". As Pt Nehru explained before the Select Committee, this departure was made to bring the language of Article 15(4) in line with that of Article 340, which provides that Backward Classes Commission may be set up for "socially and educationally backward class citizens".

7 7 Perusal of the Parliament debates on this amendment clearly shows that irrespective of the criteria for the classification of backward clases, there had to be a list of castes or communities. During one of the debates, Pt. Nehru observed, "We want to put an end to .. .. all those infinite divisions that have grown up in our social life .... we may call them by any name you like, the caste system of religious division etc, ...". Ambedkar, the then Law Minister, was

*This Chapter is based on a special paper prepared by Indian Law Institute, New Delhi, for the Commission. The study constitutes Volume III of this report.

**Champakam Dorairajan v. State of Madras (A.I.R 1951 S.C.—226).

more forthcoming when he observed, "What are called backward classes are ..... nothing else but a collection of certain castes."

7.8 Whereas the backward classes looked upon Articles 15(4) and 16(4) as a sort of charter of rights, the forward classes and upper classes felt greatly cramped by the provision of reserved quotas in educational institutions and government employment. This greatly hurt their self-interest and they considered it as a denial of "equality of opportunity", "equality before the law" and a breach of Fundamental Rights. Consequently, scores of aggrieved parties filed petitions before various High Courts and the Supreme Court for the enforcement of their alleged Fundamental Rights and, over the years, a considerable body of case law has grown on this issue.

7.9 It is well known that the development of case law on really important issues seldom follows a smooth curve. If consistency is a virtue of small minds, the judicial mind can never be accused of any smallness. In view of the highly controversial and emotive nature of providing reserved quotas for backward classes, a large number of judgments delivered over the last two or three decades contain quite divergent findings on some very vital aspects of this matter. But all the same, taking an overall, impressionistic view, one can discern the emergence of some broad consensus on the really important issues agitated before the Courts.

7.10 Instead of undertaking an academic exercise of minutely tracing the history and development of judicial thinking on Articles 15(4), 16(4) and 29(2), we shall try to briefly examine about half a dozen Supreme Court judgments which are regarded as landmarks in the evolution of case law on this subject and then, to list some of the important findings which have acquired general acceptance by courts and the legal pundits.

7.11 Supreme Court's decision in *Balaji* v. *State of Mysore*** is the most celebrated judicial pronouncement on the question of reservation for backward classes and it has exercised a decisive influence on all the subsequent judgments delivered on this issue. A brief account of this case is given below.

7.12 *On the basis of the report of the* Naganna Gowda Committee, 1962, the Government of Karnataka, passed an order reserving 50 per cent of the seats in all medical and engineering colleges for the candidates of other backward classes. This was in addition to the reservation of 15 per cent of seats for Scheduled Castes and 3 per cent for Scheduled Tribes. Consequently, 68 per cent of the seats in medical, engineering and other technical colleges were reserved for the weaker sections of the society, leaving 32 per cent for the merit pool. This Committee had also observed that under the Indian conditions the only practicable method of classifying backward classes in the State was on the basis of caste and community. Further, it sub-divided Other Backward Classes into 'backward' and the 'more backward' classes and distributed 50 per cent of the reserved seats among them in the ratio of 28 : 22 respectively.

7.13 The above order was challenged on the basis that it determined the social backwardness of communities in a manner not contemplated under Article 15(4).

7.14 The first important observation made by the court was *that the concept of* 'backwardness' is not intended to be relative in the sense that any classes who are backward in relation to most advanced classes of the society should be included in the list of backward classes. Also, backwardness under Article 15(4) *must be social and educational, and not either social* or educational.

7.15 Regarding social 'backwardness', the court observed that the group of people to whom Article 15(4) applies are described as 'classes of citizens' and not as 'castes of citizens'. Of course, in the Hindu social *structure caste played an important part in determining* the status of the citizen. Irrespective of its origin, with the passage of time, the "functional and occupational basis of castes was later over-bounded with consideration of purity based on ritual concepts, and that led to its ramifications which introduced inflexibility and rigidity." In view of this, it may not be irrelevant to take into account the caste of a group of citizens in determining its social backwardness. But whereas "castes in relation to Hindus may be a relevant factor in determining the social backwardness of a group of classes of citizens, it cannot be made the sole dominant test in that behalf." To determine educational backwardness, the Naganna Gowda Committee had taken the State average of student population in the last three high-school classes of all high schools in the State and listed all communities as educationally backward whose average on the aforesaid basis fell even marginally below the State average. Communities with less than 50 per cent of the State average were categorised as 'more backward'.

7.16 On this point, the court observed that it is only communities which are well below the State average that can be properly regarded as educationally backward class of citizens. Classes whose average was below 50 per cent of the State average are obviously educationally backward class of citizens. Marginal variation was not relevant for this purpose.

7.17 The court also felt that the sub-classification made by the order between 'backward classes' and 'more backward classes' was not justified under Article 15(4). "In introducing two categories of backward classes what the impugned order, in substance, purports to do is to devise measures for all the classes of citizens who are less advanced compared to the most advanced classes in the State, and that, in our opinion, is not the scope of Article 15(4)."

7.18 Regarding the quantum of reservation, the court observed that the interests of the weaker sections of the society had to be adjusted with interests of the community as a whole. "Speaking generally and in a broad way, a special provision should be less than 50

**A.I.R. 1963, S.C. 649

per cent, how much less than 50 per cent would depend upon the relevant prevailing circumstances in each case." Accordingly reservation of 68 per cent for backward classes, Scheduled Castes and Scheduled Tribes was considered excessive and declared unconstitutional.

7.19 In view of the aforesaid reasons, the impugned order of the State Government was struck down by the Supreme Court.

7.20 The next important case in this genre is that of *R. Chitralekha* V. *State of Mysore** which is actually as equal to the judgement delivered in the *Balaji* case.

7.21 In pursuanie of the decision in *Baláji* case, Mysore Government devised profession-cum-means test for determining social and educational backwardness and incorporated it in its order of July 1963. Under this order, 50 per cent of the seats in medical, engineering and other technical institutions were reserved for backward classes in addition to 15 per cent for Scheduled Castes and 3 per cent for Scheduled Tribes.

7.22 Validity of this Order was challenged before the Mysore High Court in *D. G. Viswanath* v. *Government of Mysore*** on the ground that the impugned Order altogether ignored 'caste' and 'residence' basis and, thus, it did not benefit the really backward classes among the Hindus. In *Balaji* case the Supreme Court had held caste, poverty, occupation, place of habitation as some relevant factors for determining social backwardness. According to the petitioner, the omission of caste and residence as relevant criteria from the Government Order ran counter to *Balaji* judgement and therefore, it was bad in law. Mysore High Court allowed the petition and, relying on *Balaji* stated, "As the Government had ignored caste and residence basis altogether in the instant case, the court felt that the classification of backward classes adopted did not really help the really backward classes among the Hindus."

7.23 In appeal the correctness of Mysore High Court's interpretation of *Balaji* case came up before the Supreme Court for decision in *R. Chitralekha* v. *State of Mysore** Supreme Court observed, "While this court said that caste is only a relevant circumstance and that it cannot be the dominant test in ascertaining the backwardness of a class of citizens, the High Court said it was an important basis in determining the class of backward Hindus and that the Government should have adopted caste as one of the tests .... . caste is only a relevant circumstances in ascertaining the backwardness of a class and there is nothing in the judgment of this court which precludes the authority concerned from determining the special backwardness of a group of citizens if it can do so without reference to caste. While this court has not excluded caste from ascertaining the backwardness of a class of citizens, it had not made it one of the compelling circumstances affording a basis for the ascertainment of backwardness of a class .... We would also like to make it clear that if in a given situation caste is excluded in ascertaining a class within the meaning of Article 15(4) of the Constitution, it does not vitiate the classification if it satisfied other tests."

*A.I.R. 1964 S.C. 1823.

**A.I.R. 1964 Mys. 132.

7.24 Regarding 'caste' and 'class' the court stated, "Though it may be suggested that the expression 'classes' is used in clause (4) of Article 15, as there were communities without castes, if the intention was to quate classes with castes, nothing prevented the makers of the Constitution to use the expression 'backward classes or castes". The juxtaposition of the expression "backward classes" and "Scheduled Castes" in Article 15 also leads to a reasonable inference that the expression 'classes' is not synonymous with 'castes'.

7.25 In view of the above reasons, Mysore High Court judgment was set aside and the impugned Government Order was restored

7.26 It may be observed in passing that the judgment in *Balaji* case and more so in that of *Chitralekha* represents, perhaps, the most conservative view on the relevance of caste for determinig social backwardness and synonymity between 'classes' and 'castes'. We shall show presently that the passage of time has led to considerable shifting of emphasis on these two issues and the subsequent trend of judicial decisions has departed appreciably from the *Chitralekha* approach. The decision of Supreme Court in *P. Rajendran* v. *State of Madras** marks a water-shed in this connection.

7.27 Rules made by the Government of Madras regulating admission to medical colleges provided for reservation of seats for socially and educationally backward classes specified in an appendix to that Order. This Order was challenged as violative of Articles 14 and 15 on the ground that the list of classes specified in the Government Order was actually a list of certain castes. On this point the Court observed, "Now, if the reservation in question had been based only on caste and had not taken into account the social and educational backwardness of castes in question, it would be violative of Article 15(1). *But it must not be forgotten that a caste is also a class of citizens and if the caste as a whole is socially and educationally backward, reservation can be made in favour of such a caste on the ground that it is socially and educationally backward class of citizens within the meaning of Article* 15(4) .... It is true that in the present case, the list of socially and educationally backward classes has been specified by caste But that does not necessarily mean that caste was the sole consideration and that persons belonging to these castes are also not a class of socially and educationally backward citizens."

7-28 The Court also held that it was for the petitioners to show that the castes specified in the Government Order were no socially and educationally backward.

*A.R.I.1968 S.C. 1012.

7.29 The upshot of *Rajendran* case was that caste-wise classification was held valid for identifying social and educational backwardness. The criterion of 'caste' as a sole basis of classification was rejected in *Balaji* and *Chitralekha* cases. But Rajendran, without over-ruling these cases, approved of caste-wise classification on the basis that "a caste is also a class of citizens".

7.30 The above decision was slightly modified in *P. Sagar* v. *State of Andhra Pradesh.** In this case, the Supreme Court, upholding the decision of Andhra Pradesh High Court, invalidated the caste-wise classification made by the State on the basis that the State had failed to specify the criterion on which the list was based. The main contention of the petitioner in this case was that the list of socially and educationally backward classes notified by the State Government was entirely caste-based and, hence, violative of Article 15(1). *The main difference between this case and that* of *Rajendran* is that here, on being questioned, the State Government failed to specify the criteria for the classification of backward classes. The court observed that the expression 'classes' meant a homogenous section of people grouped together because of certain likeness of common traits and identifiable by some common attributes such as status, rank, occupation, residence in a locality, race, religion and the like. In determining whether a particular section forms a class, caste could not be excluded altogether. But in case the class was made a criterion, proper inquiry or investigation should be conducted by the State Government before listing certain castes as socially and educationally backward. ". ... The assertion by the State that the officers or the State had taken into consideration the criteria which had been adopted by the courts ..... or that the authorities had acted in good faith, in determining the socially and educationally backward classes of citizens would not be sufficient to sustain such a claim .... Article 15 guarantees by the first Clause a fundamental right of farreaching importance to the public genrally. Within certain defined limits an exception has been engrafted upon the guarantee of the freedom in clacse (1), but being in the nature of an exception, the conditions which justify departure must be strictly shown to exist."

7.31 The element of apparent contradiction between judgments in *Rajendran* and *Sagar*, only emphasises two aspects of the same situation. In the case of *Rajendran* "castes" listed as backward were so classified on the basis of their backwardness and not because they were castes as such and the State had produced evidence in support of the classification made by it. But in *Sagar* the State had failed to produce evidence in support of its classification. After the Supreme Court judgment in *Sagar* case, Courts have become much more particular about ascertaining the objective evidence or tests on the basis of which a particular caste was identified as socially and educationally backward.

7.32 In *Periakaruppam* v. *State of Tamil Nadu** the petitioners challenged the State Government's selection of candidates for medical colleges after dividing the State into six regions and reserving 41 per cent of the seats for socially and educationally backward classes, Scheduled Castes and Scheduled Tribes. The petitioners contended that (1) the method of unit-wise selection was violative of Articles 14 and 15 of the Constitution; (2) determination of backward classes on the basis of caste was unconstitutional; and (3) reservation of 41 per cent for backward classes, scheduled castes and scheduled tribes was excessive.

7.33 The Court allowed the plea that unit-wise selection was illegal. But it held that classification of backward classes on the basis of caste was within the purview of Article 15(4) and, that, 41 per cent reservation was not excessive. The Court observed, "Undoubtedly we should not forget that it is against the immediate interest of the nation to exclude from the portals of our medical colleges qualified and competent students but then the immediate advantages of the nation have to be harmonised with its long range interests. It cannot be denied that unaided many sections of the people in this country cannot compete with the advanced sections of the nation. *Advantages secured due to historical reasons should not be considered as fundamental rights* (Emphasis added). Nation's interest will be best served—taking a long range view—if the backward classes are helped to march forward and take their place in line with advanced sctions of people ...... A caste has always been recognised as a class .... There is no gainsaying the fact there are numerous castes in this country which are socially and educationally backward.'' For this proposition the Court relied on the authority of *Rajendran* that the classification of backward classes on the basis of caste is within the purview of Artilce 15(4) if those castes are shown to be socially and educationally backward.

7.34 The Supreme Court's decision in *S. V. Balaram* v. *State of Andhra Pradesh*** is also of particular interest regarding the determination of social and educational backwardness on the basis of caste and the quantum of reservation for backward classes. As a sequel to the Supreme Court's decision in *Sagar* case, the Andhra Pradesh Government set up a Backward Classes Commission to determine criteria for classifying backward classes, etc. The Commission evolved criteria based on poverty, occupation, caste and education. The Commission also prepared a list of backward classes in the light of this criteria. The State Government notified reservation of 25 per cent of the seats in medical colleges for the candidates of backward classes. Reservation for Scheduled Castes and Scheduled Tribes was 14 per cent and 4 per cent respectively This order of the State Government was challenged in the High Court, which held that it was violative of Articles 15(1) and 29(2) of the Constitution and was not saved by Article 15(4) Supreme Court set aside the order of the High Court and held that the lists of backward classes notified by the State were in order and the reservation of 43 per cent for educationally and socially backward classes, Scheduled Castes and Scheduled Tribes was not excessive.

*A.I.R. 1968 S.C. 1379.

*A.I.R. 1978 S.C. 2303.

**A.I.R. 1972 S.C. 1375.

7.35 The Court observed that the Backward Classes Commission appointed by the State had circulated a questionnaire to various authorities and organisations, toured all the districts in the State and recorded oral evidence of the representatives of a number of communities. On the basis of this evidence the Commission had found certain castes as socially and educationally backward and classified them as such. The Court also referred to the "criticism levelled at the Commission that it had used its personal knowledge for the purpose of characterising a particular group as backward. That, in the circumstances of the case, is inevitable and there is nothing improper or illegal. The very object of the Commission in touring various areas and visiting the huts and habitations of people is to find out their actual livng conditions."

7.36 Regarding the acceptance of caste as criterion, the Court observed, "It should not also be missed that a caste is also a class of ctizens and that a caste as such may be socially and educationally backward. If after collecting the necessary data it is found that the caste as a whole is socially and educationally backward, in our opinion the reservation made of such persons will have to be upheld *notwithstanding the fact that a few individuals in that group may be both socially and educationally above the general average.** There is no gainsaying the fact that there are numerous castes in the country which are socially and educationally backward, and, therefore, a suitable provision will have to be made by the State as charged in Article 15(4) to safeguard their interests.

7.37 The Court referred with approval to its observation in the earlier case of *Triloki Nath* v. *State of Jammu and Kashmir*† on the scope of Article 16(4) relating to reservation for backward classes in public employment In that case the Court had held that the members of an entire caste or community may in the social, economic and educational scale of values, at a given time, be backward and may on that account be treated as backward classes, but that is not because they are members of a caste or community but beause they form a class.

7.38 Regarding the overall reservation of 43%, the Court did not consider it to be excessive as it was within the limit of 50% laid lown in *Balaji* case.

7.39 The relevance of means-test in classifying socially and educationally backward classes has also been agitated before the Courts. The case of *K. S. Jayasree* v. *State of Kerala*** was an off-shoot of the acceptance of the recommendations of Kerala Backward Classes Commission by the State Governmont. This Commission adopted a means-*cum*-caste/community test for identifying backward classes and recommended that such of the listed castes or communities whose family income was below a certain minimum should be treated as socially and educationally backward classes. The Kerala Government accepted this recommendation. In *Shamim* v. *Medical College, Trivandrum** the Single Judge quashed the Government order holding that irrespective of their economic status all families from the backward classes were entitled to protective discrimination as "the test of poverty cannot be the determining factor for social backwardness". However, on appeal, the Division Bench of the same High Court reversed this decision and upheld the Government's order. The High Court held that economic backwardness plays a part in social and educational backwardness and, therfore, poverty or economic standard was a relvant factor. In appeal, in *Jaysree* v. *State of Kerala* the Supreme Court upheld the decision of the Kerala High Court It also declared that a classification based only on poverty was not logical. This view was also expressed in *Laila Chacko* v. *State of Kerala.*† In this case the Court held that annual income of families alone cannot determine social and educational backwardness.

7.40 To sump up, we may refer to a very recent judgement of Allahabad High Court in *Chotelal and Others* v. *State of Uttar Pradesh*** which contains a gist of important case law on Articles 15(4) and 16(4) of the Constitution. In this case the Court observed that :—

"(i) The bracketing of socially and educationally backward classes with the Scheduled Castes and Tribes in Article 15(4) and the provision of Article 338(3) that the references to Scheduled Castes and Tribes were to be construed as including such backward classes as the President may by order specify on receipt of the report of the Commission appointed under Article 340(1), showed that in the matter of their backwardness they were comparable to Scheduled Castes and Scheduled Tribes;

(ii) The concept of backward classes is not relative in the sense that any class which was backward in relation to most advanced class in the community must be included in it;

(iii) The backwardness must be both social and educational and not either social or educational;

(iv) Article 15(4) refers to 'backward classes' and not 'backward castes'; indeed the test of caste would break down as regards several communities which have no caste;

(v) Caste is a relevant factor in determining social backwardness but is not the sole or dominant test;

(vi) Social backwardness is in the ultimate analysis the result of poverty to a very large extent. Social backwardness which results from poverty is likely to be aggravated by

*Emphasis added.

†A.I.R. 1969 S.C. 1.

**A.I.R. 1976 SC. 2381

*A.I.R. 1976 Ker. 54.

†A.I.R. 1967—Ker. 124.

**A.I.R. 1979 All. 135.

considerations of caste to which the poor citizens may belong, but that only shows the relevance of both caste and poverty in determining the backwardness of citizens;

(vii) A classification based only on caste without regard to other relevant factors is not permissible under Art 15(4), some castes are, however, as a whole socially and educationally backward,

(viii) The occupations followed by certain classes (which are looked upon as inferior) may contribute to social backwardness, and so may be habitation of people, for, in a sense, the problem of social backwardness is the problem of rural India,

(ix) The division of backward classes into backward and most backward classes is in substance a division of population into the most advanced and the rest, the rest being divided into backward and most backward classes and this is not warranted by Article 15(4),

(x) Article 16(4) does not confer any right on a person to require that a reservation should be made It confers a discretionary power on the State to make such a reservation if in its opinion a backward class of citizens is not adequately represented in the services of the State Mere inadequacy of representation of a caste or class in the services is, however, not sufficient to attract Article 16(4) unless that class (including a caste as a whole) is also socially and educationally backward,

(xi) The object of reservation would be defeated if on the inclusion of a class in a list of backward classes, the class is treated as backward for all times to come Hence the State should keep under constant periodical review the list of backward classes and the quantum of the reservation of seats for the classes determined to be backward at a point of time,

(xii) The aggregate reservation of posts for various categories (including backward classes) should be less than 50%, and

(xiii) The courts' jurisdiction is limited to deciding whether the tests applied by the State in determining the backward class of citizens are valid or not If the relevant tests have not been applied it is not open to the Court either to modify the list of "backward classes" prepared by the State or to modify the extent of reservation but it must strike down the offending part, leaving it to the State to take a fresh proper decision after applying the correct criteria"

7 41 Judgment in *Balaji* case was delivered nearly 17 years ago and subsequent decisions in *Rajendran, Sagar, Balram*, etc show a marked shift from the original position taken in that case on several important points. But the powerful influence that *Balaji* continues to exercise on judicial thinking is highlighted by the manner in which Allahabad High Court has summarised the case law in *Chotelal's* case cited above

7.42 For instance, in paragraph 20 of its judgement in *Balaji* case the Supreme Court had observed that the backward classes for whose improvement special provision is contemplated to be made under Article 15(4) should be comparable to Scheduled Castes and Scheduled Tribes in the matter of their backwardness This was a very controversial observation and had caused a lot of confusion But in actual effect such a test of backwardness has neither been applied by any State Government nor insisted upon by the Supreme Court for reconsideration in *Balram* v *the State of Andhra Pradesh*, the Court observed that in regard to the case on hand "factually the castes enumerated as backward classes are really socially and educationally backward" After referring to the principles laid down by it in some earlier cases, the Supreme Court stated, "It must be pointed out that none of the above decisions lay down that social and educational backwardness must be exactly similar in all respects to that of the Scheduled Castes and Scheduled Tribes" Whereas various tests have been devised by State Governments to determine social and educational backwardness, nowhere the test of comparability to Scheduled Castes and Scheduled Tribes has been applied Further, no list of Other Backward Classes prepared by a State Government has been struck down by the Supreme Court simply because the backward classes notified by it were not comparable to Scheduled Castes and Scheduled Tribes Yet Allahabad High Court has observed in *Chotelal* that in the matter of their backwardness the Other Backward Classes should be comparable to Scheduled Castes and Scheduled Tribes

7 43 The Allahabad High Court has also emphasised the point that Article 15(4) refers to 'backward classes' and not 'backward castes' The case law on this point is fairly well settled by now and the judgements cited in this Chapter bring out the current thinking quite clearly The position was amply clarified in *Rajendran's* case when the Supreme Court stated "Caste is also a class of citizens and if the class as a whole is socially and educationally backward, reservation can be made in favour of such a caste on the ground that it was socially and educationally backward class of citizens within the meaning of Article 15(4)." In *Perriakaruppam* the Supreme Court again observed "A caste has always been recognised as a Class"

7 44 One observation made in *Balaji* case and repeated several times in subsequent judgments including Allahabad High Court's decision under reference concerns the relationship of poverty to social backwardness In this case the Supreme Court had remarked, "Social backwardness is in the ultimate analysis the result of poverty to a very large extent These classes of citizens who are deplorably poor automatically become socially backward" In Chapter IV of this Report we have shown as to how the lower and impure castes in the Hindu caste hierarchy were permanently assigned menial tasks and refused any access to all avenues for a better life It was the all

pervasive tyranny of this caste system which kept the lower castes socially backward and economically poor The poverty of these castes stemmed from their social discrimination and they did not become socially backward because of their poverty In view of this, historical and sociological evidence does not support the view that, in the ultimate analysis, social backwardness is the "result of poverty to a very large extent". In fact, it is just the other way round

7 45 We may close this Chapter with an observation by Shri Justice K Subba Rao on the import of Article 16(4) of the Constitution in *General Manager Southern Railway* v *Rangachari** Supreme Court held that Article 16(4) was in the nature of a proviso or exception to Article 16(1) and it could not be so interpreted as to nullify or destroy the main provision. "No provision of the Constitution or of any enactment can be so construed as to destroy a provision contemporaneously enacted therein " In his dissenting judgment, Justice Subba Rao observed that Article 16(4) was not an exception to Article 16(1). "The expression 'nothing in this Article' is a legislative device to express its intention in a most emphatic way that the power conferred therein is not limited in any way by the main provision but falls outside it It has not really carved out an exception, but has preserved a power untrammelled by the other provisions of the Article."

7 46 Though the observation was made in a dissenting judgment, yet it merits serious consideration while examining the implication of Article 16(4) of the Constitution for extending special benefits to Other Backward Classes

*A I R 1962 S C 36.

CHAPTER VIII

NORTH-SOUTH COMPARISON OF OTHER BACKWARD CLASSES WELFARE

(A case Study of Four States)

8.1 Setting right of historical wrongs is a very complex and difficult process In the caste-ridden Hindu society, with its close correspondence of caste and socio-economic status, a handful of higher castes monopolised all the good things of life and the majority of lower castes were deprived even of the bare essentials of a decent living In view of this, the most pressing task before the country after Independence was the reduction of disparities between the high and the low and the establishment of a more egalitarian society.

8 2 The Government of India adopted a two-pronged approach to tackle this problem. On the one hand, it formulated Five Year Plans for the overall development of the country and, on the other, it made special provisions under Articles 15(4), 16(4), 46, etc for the upliftment of all sections of backward classes Whereas the Government assumed direct responsibility for the framing and implementation of Plans, the welfare of backward classes, except that of Scheduled Castes and Tribes, it left to the discretion of the State Governments Needless to say that this approach has resulted in a serious neglect of the interests of Other Backward Classes

8.3 Left to their own resources, State Governments have adopted a variety of approaches to this problem Southern States, with a long history of backward class movements, have made substantial progress in implementing programmes for the welfare of Other Backward Classes On the other hand, the approach of Northern States to this question has been generally hesitant and half-hearted One of the most concrete measures to help the backward classes is to make reservations for them in employment under the Government and in professional institutions Such concessions were extended in the four Southern States quite some time back and the whole operation was relatively smooth and painless But when States like Bihar and Uttar Pradesh introduced similar concessions on a much smaller scale, there was a violent reaction from the upper castes

8 4 On the face of it, this was a rather baffling phenomenon Generally speaking Hindu orthodoxy had a greater hold on South than on North India and, consequently, one would have expected stronger reaction in the South than in the North As a proper understanding of the difference in response of Southern and Northern States to the question of welfare of the Other Backward Classes was very important for the Commission's work, we approached Tata Institute of Social Sciences, Bombay, to prepare a comparative study of the implementation of O B C welfare measures in the four States of Tamil Nadu, Karnataka, Bihar and Uttar Pradesh The study forms Volume IV of this Report Except for some side observations, the following account contains a gist of this Study The Commission does not necessarily subscribe to the views expressed in this Study

8 5 To explain the phenomena of backlash to reservations in Uttar Pradesh and Bihar and its absence in Tamil Nadu and Karnataka, the Study formulates the following nine hypotheses —

(1) If the communal reservation scheme has had a long history, retaliation by the forward castes is likely to be absent

(2) If the forward castes are divided against themselves, the chances of retaliation are less

(3) If the backward and scheduled castes are not getting on well together, the retaliation on the part of forward castes is likely to be high.

(4) If the backward castes are also politicised and organised, the retaliation on the part of the forward castes is less likely

(5) If the upper castes are suddenly faced with the prospect of losing their political and economic position, *i.e.*, if a reservation scheme is likely to bring about a sudden rank disequilibrium, then the chances of retaliation on the part of such castes are very high

(6) If the forward sub-castes' persons can pass off as backward castes persons, the likelihood of retaliation is less

(7) If the State as a whole has experienced a kind of revivalism or is mobilized against outside symbols, the backward class movement against the forward castes is likely to be less powerful

(8) The capacity on the part of the backward castes to retaliate is a function of (a) their numbers, (b) political consciousness, (c) dominance, and (d) perceived lack of alternative opportunities.

(9) If the non-government tertiary sector is expanding, the retaliation on the part of the forward castes is less likely

8 6 To place the amalgams of open caste conflicts in proper historical context, the Study observes, "The British rulers produced many structural disturbances

in the Hindu caste structure, and these were contradictory in nature and impact Thus, the various impacts of the British rule on the Hindu caste system, *viz*, near monopolisation of jobs, education and professions by the *literati* castes, the Western concepts of equality and justice undermining the Hindu hierarchical dispensation, the phenomenon of Sanskritization, genteel reform movements from above and militant reform movements from below, emergence of the caste associations with a new role set the stage for the caste conflicts in modern India Two more ingredients which were very weak in the British period, *viz*, politicisation of the masses and universal adult franchise, became powerful moving forces after the Independence

8 7 Now we pass on to the treatment of each of the four individual States studied by the Institute

8 8 *TAMIL NADU*

Being the hereditary custodians of higher learning, the Tamil Brahmins were the main beneficiaries of the British system of education and the advantages that flowed from it This enabled them to establish a near-monopoly of all Government services and the professions "Alerted by the advent of the Montagu-Chelmsford reforms and dyarchy the non-Brahmin elite castes took the lead in establishing first, the South Indian Liberal Federation and secondly, The Justice Party in 1916" After coming into power in 1920 this party took steps to loosen the hold of Brahmins on services It was under the communal G O of 1927 that compartmental reservation of posts was made for various communities

8 9 It may be noted that, "the Justice Party leaders were drawn from the landed classes and were not much keen on broadening their base by including the landless castes within their remarks The communal G O of 1927 represented a victory for the Vellala castes, particularly the Mudaliars" This approach eroded the mass base of the Justice Party Its aloofness from the national movement weakened it further

8 10 In the meantime, angered by the domination of the Congress by the Brahmins, and annoyed at Gandhiji's adherence to a purified Varna ideology, E V Ramaswami Naicker walked ou of the Congress party and started the Self-Respect movement He rejected the Brahmanical religion and culture and demanded a separate Dravidstan Subsequently, with the constitution of Dravida Kazagam party anti-Hindi and anti-North planks were added to this ideology.

8 11 In 1947 the communal G O of 1927 was revised and an important feature of the new Order was that, "For the first time the non-Brahmin castes were bifurcated into non-Brahmin Hindus and non-Brahmin backward Hindus" This compartmental reservation was struck down by the Supreme Court and, consequently, the Government issued another order in 1951 making reservations for Scheduled Castes and Tribes and Other Backward Classes only This did not give rise to any sharp reaction from the non-Brahmin forward castes as they "had become sufficiently powerful to hold out to their benefits and did not have to resort to any kind of protest for backlash "

8 12 A special feature of the above scheme of reservation was that it divided most major community or caste groups into forward and backward sections "Christian converts from the Scheduled Castes are backward, other Christians are forward While Labbai and Dakhni Muslims are backward, Urdu-speaking Muslims are forward, Adisaiva, Karghata, Kalavali-Vallals are forward, and Thuluvallas and Sozhiavallas are backward All Reddis are forward except Ganjam Reddis Gavara and Vadugar Naidus are backward, Kamanaidus are forward " This manner of division also greatly reduced the potential of the forward sub-castes to protest or agitate

8 13 In actual operation, the benefits of reservation have gone primarily to the relatively more advanced castes amongst the notified backward classes The Tamil Nadu Backward Classes Commission took special note of it and suggested that compartmental reservation should be introduced for different categories of Other Backward Classes, but the State Government did not heed this suggestion "The main question here is Why did the weaker and minor backward castes who constitute 88 7% of the backward classes population did not feel resentment against the benefits of reservation going to only a handful of castes ?" In Karnataka "Devaraj Urs capitalising on this resentment carved out a new political base of himself from these castes", but in Tamil Nadu such a movement did not take shape owing to "the peculiar Dravida Kazhagam culture As long as the Tamil culture revivalism continues to grip the State a real backward classes movement will not emerge."

8 14 Unlike some other States, an open conflict between the Harijans and the Other Backward Classes has not developed in Tamil Nadu to eclipse the Brahmin v non-Brahmin cleavage "Because Tamil Nadu is a non-Sanskritic cultural area, the four-fold Varna system has less applicability there" Here, Harijans have also promptly responded to Self-Respect movement

8 15 The expanding Tamil Nadu economy and the relatively higher rate of urbanisation have created new avenues and job opportunities for the youth of the Brahmin and non-Brahmin upper castes This has certainly eased the tensions which would have otherwise built up among these communities as a result of job reservation, etc.

8 16 *KARNATAKA*

Mysore Brahmins, very much like their Tamilian counterparts "had established a run-away lead over the two dominant landed gentry castes of the Lingayats and Vokkaligas Almost contemporaneously with the rise of the Justice movement in Madras . the Lingayats and Vokkaligas of the princely Mysore State became agitated over the Brahmin predominance in the Government service and education As the Brahmins turned increasingly urban-ward the Lingayats gentry bought up their lands" They started forming caste associations and in 1917 Praja Mitra

Mandali was established to voice the claims of the non-Brahmins. The Government viewed sympathetically the grievances of the backward classes and, on the basis of Miller Committee report, issued orders in 1921 extending special educational and employment facilities to backward class candidates This resulted in a gradual reduction in the percentage of the Brahmins in the services and professional institutions.

8 17 In the absence of a sharp focus, praja Mitra Mandali disintegrated and its place was taken by Praja Paksha in 1928 This party was headed mainly by the "two dominant castes who had considerable exposure to the caste conflicts in the neighbouring States"

8.18 It was after Independence that the "Vokkaligas started controlling the State apparatus and the Congress party, while the Lingayats constituted their junior partners the formation of the unified Karnataka State in 1956 altered the caste balance considerably The Lingayats constituted 15% of the population in the entire State and Vokkaligas about 11% The political centre of gravity shifted from the old Mysore area to the newly integrated regions particularly the Bombay-Karnataka"

8 19 After Reorganisation, the new leaders extended the communal reservation scheme to the entire State As a result of a number of court cases culminating in the famous *Balaji* judgement, the State Government ordered in 1963 30% reservation for Other Backward Classes and 18% for Scheduled Castes and Tribes The beneficiaries of the scheme of reservation were the politically dominant castes of Lingayats and the Vokkaligas This gave rise to considerable resentment amongst other minority-castes, who found themselves left high and dry "Devaraj Urs very carefully and sedulously cultivated the non-Lingayat and non-Vokkaliga communities" It was primarily the consolidation of this base that enabled him to rule the State from 1972—80

8 20 In 1972 he set up Karnataka Backward Classes Commission under the chairmanship of Shri L G Havanur On the basis of its surveys the Commission did not include the Brahmins, Lingayats, Kshtriyas, etc in the list of backward classes After modifying the Commission's recommendations the State Government divided the under-privileged classes into six broad categories and made separate reservation for each group.

8 21 The special feature of this scheme was, "that some sub-castes of the Lingayats had been classified as backward, when majority of the sub-castes have been classified as forward Also, while the Vokkaligas have been classified as a backward community, their erstwhile senior partners in the politics of the Karnataka State, the Lingayats have been classified as mostly forward For these reasons the Lingayat community find itself divided on the issue of the reservation scheme, based on the Havanur Commission Report. Also, on this issue an alliance of the Vokkaligas with the Lingayats cannot take place as they find themselves in different camps of the backward and the forward This is in total constrast with the Bihar and Uttar Pradesh situation where all the major forward caste group, *viz*, the Brahmins, the Kayasthas, the Rajputs and the Bhumihars have been classified as forward and can find a platform to unite upon."

8 22 Havanur Commission Report resulted in considerable controversy between Lingayats and other backward castes But owing to effective mobilisation of the smaller backward castes, protests and agitations organised by Lingayats did not cut much ice

8 23 "The Karnataka non-Brahmin movement in the decades following the 20's failed to produce any overarching revivalist Kannada ideology which might have prevented the cleavage among the non-Brahmins from emerging to the surface this more recent cleavage has displaced the older Brahmin v non-Brahmin cleavage"

8 24 "Like the Brahmins, Kayasthas, Bhumihars and Rajputs of U P and Bihar, the Lingayats, the Brahmins and Bunts of Karnataka have been kept out of the reservation scheme The Karnataka Brahmins are so weak that even if they join hands with the Lingayats, it will not make any difference The Brahmin leaders feel that they have been slightly better off in regard to the jobs and seats since 1972 For all these reasons the forward castes anger is muted in Karnataka and has not assumed any violent forms

8 25 Urbanisation and rapid growth of industry in Karnataka have produced the same effect of reducing caste tensions as they did in the case of Tamil Nadu

8.26 *BIHAR*

Unlike Tamil Nadu and Karanataka, the twice-born castes in Uttar Pradesh & Bihar are fully differentiated among themselves and also from the backward castes and the Harijans Further, it is Kayasthas and not the Brahmins who constitute the main *literati* caste

8 27 "In Bihar, the political struggle within the Congress till the middle of the sixties was characterised by the conflicts and competition among the twice-born castes After the sixties, without these cleavages being significantly eroded, the conflicts between these caste groups and the lower peasant castes, and between the lower peasant castes and the Scheduled castes have come to prevail"

8 28 The three twice-born castes of Bihar *i e* Brahmins, Bhumihars and Rajputs were the dominant land-owing communities Here it was the Kayasthas and not the Brahmins who took in a big way to modern education and the professions Separation of Bihar from Bengal in 1911 was their big opportunity

8 29 Bhumihars, who were better educated than Rajputs and more rural-oriented than the Kayasthas, dominated the Congress politics in the State till the death of their astute leader, Dr. Sri Krishna Sinha.

8 30 In the earlier phase of post-Independence Congress rule in Bihar, social cleavages surfaced in

the political life of the State "The Kayasthas tried to bolster their sagging position by supporting and encouraging the Rajput group The Brthmins too entered the Congress in big numbers the Bhumihar-Rajput rivalry reached its peak in the fifties" But all these developments will show that during this period the backward castes did not form an important element in this power game It was with the rise of the Yadavas, Kurmis and Koeris that the backward castes began to organise themselves along caste lines "The All India Yadava Mahasabha has its headquarter at Patna and the Bihari Yadavas along with their counterparts in Punjab and U P formed the backbone of the Indian Yadava Movement In the initial stages, most of these caste groups functioned as appendages of the main countenders in the upper castes, leaders from the upper castes coopted men from the lower castes to leadership position" This obviously prevented the backward peasant caste from offering a united front and each caste group entered the Congress divided Of course, with the acquisition of political skills, they became increasingly autonomous.

8 31 It will be interesting to note that between 1934 and 1960 the percentage of the Kayastha members in the Bihar Pradesh Congress Executive Committee declined steeply from 53 84% to 4 76%, that of the Bhumihars increased from 15 38% to 28 56% "The Rajput and the Brahmin representation, after registering some increase, declined The backward castes (both upper and lower) began apearing around 1948 and held about 14 per cent of the posts around 1960 As Blair (1980) shows, the percentage in the Congress legislature party in 1962 of the backwards was just 24 9 per cent, an overwhelming bulk of whom were the upper backwards This once again contrasts with the success of the non-Brahmins in South India in ousting the Brahmins from the Congress and politics in general In Bihar, the forward castes have been too well entrenched in politics and the economy to be ousted by divided and imperfectly mobilised backwards In 1963, for the first time in the history of the Bihar Congress legislature party there was contest between a forward caste leader (K B Sahay, a Kayastha) and backward caste leader with considerable ability (Birchand Patel, a Kurmi) It is interesting to note that not only the backward caste legislators but also those belonging to the Scheduled Castes and Tribes, were divided between the two contestants In fact, more backwards voted for Sahay than for Patel"

8 32 After 1962 the strength of forward caste MLAs has declined and that of backward class MLAs increased, though in neither case the variation is very steep It was Ram Manohar Lohia who conceived the idea of uniting the backward castes to defeat the Congress and in the sixties the Samyukta Socialist Party started wooing them assiduously "The Congress debacle of 1967 marks an important stage in the upsurge of the backward castes In these elections to the Vidhan Sabha the Bania, Kurmi, Koeri and Yadava candidates were returned in big numbers and constituted 31 6% of the MLAs Most of them belonged to the SSP This pattern repeated in the midterm polls of 1969 also. In the 1972 elections, the Congress rode back to power and the share in the Assembly of the Backward castes MLAs declined below the level of even 1962 The share went up again in 1977, when the Janata Party won As the subsequent events have shown, the 1977 elections did not in any way signify the permanent and durable resurgence of the backward castes in the Bihar politics Like their rise in 1967, their upsurage in 1977 was a temporary and transient one Contrast this with the Karanataka elections of 1972 and 1978, which vindicated the durability and invincibility of the new backward castes coalition"

8 33 The pattern of land reforms in Bihar is one of the main reasons for the imperfect mobilisation of the backward castes into politics The abolition of all intermediaries has definitely helped the hard working peasant castes like Kurmis, Koeris and Yadavas These small peasant proprietors "work very hard on their lands and also drive their labourers hard", and any resistance by the agricultural labourers gives rise to mutual conflicts and atrocities on Harijans In view of this, "the power structure in the Bihar countryside has not been as neatly settled as elsewhere " This situation contains considerable potential for cleavages and conflicts

8 34 It was Karpoori Thakur's Government which introduced 20% reservation for backward classes in November, 1978, (Details of this are given in Chapter II of the Report) "Thakur was only pursuing the Lohia line of further mobilizing the backward castes He thought that he could successfully graft the Karnataka model on Bihar The G O provoked widespread backlash on the part of the forward castes The Universities and colleges came to be closed Train and buses were attacked The government property was damaged"

8 35 In a recent article in Economic and Political Weekly*, James Manor has compared the achievements of Davaraj Urs and Karpoori Thakur as follows —

> "Thakur proclaimed his policy of preferment for the 'backward classes' soon after taking office. He did so in order to signify "that the Backwards had displaced the Forwards as the dominant force in Bihar politics, that the old days of dominance in public affairs from village to Vidhan Sabha by the 'twice-born' were gone forever" But he made this announcement before he had either consolidated 'backward class' control in the state-level political areana or developed programmes to provide 'backward class' people with new economic and political resources in the form of substantive patronage from government His early offer of preferment inflamed feelings among both forward castes and scheduled castes who felt threatened by it and led to the collapse of his government before it had time to achieve its major goals. It was replaced by a government which is dominated

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by "Forwards and Jana Sanghis" In the words of Devaraj Urs, "Karpoori climbed into the ring before he learned how to box" "

8 36 Regarding the adroit management of OBC—Scheduled Castes relations by Urs, Manor has observed —

> "'If preferment programmes in North India have been seen as threats by the scheduled castes, how did Urs maintain an alliance between the 'backward classes' and the scheduled castes? He did so through a combination of symbolism and substantive action On a symbolic level, he kept the scheduled caste leader, B Basavilangappa, in the prominent role of Revenue Minister, more than doubled scheduled caste representation in the cabinet (with important portfolios) and had the Assembly Speaker chosen from among their number Urs also sought—largely successfully, by all accounts—to re-assure the scheduled castes that reservations for 'backward classes' meant no diminution of their statutory quotas He drove the point home by energetic efforts to see that scheduled caste quotas which had never been adequately filled in the higher ranks of government service were more fully met during his tenure "

8 37 Unlike Tamil Nadu and Karnataka the process of urbanisation and industrialisation in Bihar has been very slow and the young aspirants of higher castes are not in a position to leave their original moorings and seek their fortunes in new avenues This, coupled with the hold of higher castes on the Government services, has given them both the capability and the motivation to hit the backward castes whenever they try to raise their head

Uttar Pradesh

8 38 "As in Bihar, in Uttar Pradesh too the caste system is found well differentiated in terms of the Varna model According to the 1931 census, the forward twice-born castes constituted about 20 30% of the total population the Brahmins formed 9 23% of the total population and Rajputs 7 28% The upper peasants castes of Yadavas, Kurmis, Jats, Lodhs and Koeris formed about 16 4% of the population In Uttar Pradesh the Brahmins, Kayasthas and, later, the Banias, were the main beneficiaries of modern education The Rajputs being the dominant landed peasantry, did not show much resentment at the Brahmin-Kayastha monopoly of education and the professions

8 39 Another important reason as to why cleavages did not develop among the forward castes as in Bihar or among forward and backward castes as in Karnataka and Tamil Nadu, is that during the freedom struggle 'The Hindu-Muslim and Congress-League cleavages overshadowed every other cleavages" Incidentally, this also shows how a larger issue tends to depress minor issues in the same area

8 40 On the backward classes front, "the peasant castes of Yadavas, Kurmis, Koeris, Jats developed a high degree of affinity among themselves Despite these stirrings the OBCs could not forge a unified political front of the OBCs and the Scheduled Castes."

8 41 The caste composition of the various Ministries since 1937 demonstrates the weakness of the backward caste movement In the 1937—39 cabinet the Brahmins held three out of six posts and OBCs none This pattern continued till 1952, when Charan Singh, a Jat, was taken in the cabinet Sampurnanand, C B Gupta and Sucheta Kripalani also continued this pattern It was only in the S V D Ministry headed by Charan Singh in 1967 that three ministerships were given to the peasant backward castes, including Yadavas and Kurmis This became necessary as backward classes made considerable gains in the 1967 elections "The decline of the Congress also meant the decline of the forward caste representation in the Assembly The second Charan Singh ministry of 1970 and T N Singh ministry of 1970-71 also gave considerably more representation to the upper peasant castes and inducted for the first time the artisan castes" But this trend did not represent an enduring gain for the OBCs, as the representation of forward castes again went up under the ministries formed by Tripathi, Bahuguna and Tiwari It was only when the Janata Party came in power in 1977 that the share of OBCs increased considerably "Like Karpoori Thakur in Bihar Ram Naresh Yadav mistook this increase for a durable rise of the backwards and was emboldened to issue the famous G O of August 1977 The 1980 elections disproved the assumption of a critical change in the balance of power"

8 42 Land reforms produced similar changes in the political economy of Uttar Pradesh as in Bihar "The tenant and share-cropping castes of Yadavas, Kurmi, Lodhs, Gujars, Koeris became owner cultivators, and industrious as they are, they are better qualified to take advantage of the modern agricultural inputs "

8 43 On the basis of the recommendations of the Most Backward Classes Commission, the Yadav Government ordered 15 per cent reservations of Government posts fo Other Backward Classes in August, 1977 It is not clear as to why a "Most Backward Classes Commission" was appointed instead of a "Backward Classes Commission" Yet the very modest reservation of 15 per cent for OBCs gave rise to strong backlash on the part of forward castes "Even the Government servants in some areas of U P joined in the agitation The gravemen of the demands of the agitators was that class and not caste should be the criterion of social and economic backwardness"

8 44 The trend shows OBCs and Scheduled Castes in Uttar Pradesh do not posses political organisation and cohesion to force a demand for a higher representation of backward classes in service and educational institutions Even the 15 per cent reservation made by the State Government has been set aside by Allahabad High Court "Like Karpoori Thakur, Ram Naresh Yadav too tried to telescope the backward classes mobilisation into a span of less than one decade Unlike Devaraj Urs, they did not try to divide the forward castes with the help of any well-concerved strategy The Janata victories of 1977 constituted only deviant cases,"

Conclusions :

8 45 In view of the foregoing account, the reasons for much stronger reaction in the North than South to reservations, etc for Other Backward Classes may be summarised as below .—

(1) Tamil Nadu and Karnataka had a long history of Backward Classes movements and various measures for their welfare were taken in a phased manner In Uttar Pradesh and Bihar such measures did not mark the culmination of a mass movement

(2) In the South "the forward communities have been divided either by the classification schemes or politically or both . In Bihar and U P the G Os have not divided the forward castes "

(3) In the South, clashes between Scheduled Castes and the Backward peasant castes have been rather mild In the North these cleavages have been much sharper, often resulting in acts of violence This has further weakened the backward classes solidarity in the North

(4) In the non-Sanskritic South, the basic Varna cleavage was between Brahmins and non-Brahmins and Brahmins constituted only about 3 per cent of the population In the Sanskritic North, there was no sharp cleavage between the forward castes and together they constituted nearly 20 per cent of the population In view of this the higher castes in U P and Bihar were in a stronger position to mobilise opposition to backward class movement.

(5) Owing to the longer history and better organisation of Other Backward castes in the South, they were able to acquire considerable political clout Despite the lead given by the Yadavas and other peasant castes, a unified and strong OBC movement has not emerged in the North, so far

(6) The traditions of semi-feudalism in Uttar Pradesh and Bihar have enabled the forward castes to keep tight control over smaller backward castes and prevent them from joining the mainstream of backward classes movement This is not so in the South

(7) "The economies of Tamil Nadu and Karnataka have been expanding relatively faster The private tertiary sector appears to be growing It can shelter many forward caste youths Also, they are prepared to migrate outside the State The private tertiary sectors in Bihar and U P are stagnant The forward caste youths in these two States have to depend heavily on Government jobs Driven to desperation they have reacted violently "

CHAPTER IX

EVIDENCE BY CENTRAL AND STATE GOVERNMENTS

(A Review)

9.1 The Commission had issued two sets of questionnaries, one to all the State Governments and Union Territories (Appendix-2) and the other to the Central Government Ministries and Departments (Appendix-3), to elicit information on various aspects of its inquiry These Questionnaires were framed with a view to —

(i) Obataining a comparaive picture of the status of backward classes in various States and steps taken to date for their welfare;

(ii) Getting an idea of the thinking of various State Governments and Union Territories on the vexed issues of social and educational backwardness, and

(iii) Obtaining some useful cues to help the Commission formulate its views on these questions

A *Questionnaire for the State Governments*

9 2 The questionnaire for the State Governments, etc contained 86 questions, divided into 7 sections, *i.e*, (I) Criteria, (II) Safeguards, Reservations, etc, (III) Census, (IV) Social, (V) Educational (VI) Welfare, and (VII) Employment This questionnaire was despatched to the State Governments and Union Territories on April 11th, 1979 and it took more than one year to get their replies

9 3 Before we proceed to analyse these replies, it will be necessary to say something about the nature of information received by the Commission Some of the core questions in the questionnaire necessitated collection and compilation of data from various agencies before a State Government could furnish meaningful answers For instance, the Commission was very much interested in knowing the representation of OBCs in various local bodies, Government employment, etc (Questions No. 10, 11 and 12) We also wanted information about OBC representation in State Public Service Commissions, judiciary and senior echelons in State Administration (Question No 24) Similar information was sought in respect of 'education' and 'employment'

9.4 It was rather disappointing to see that hardly any State was able to give the desired information Of course, the State which had not notified any lists of OBCs were physically not in a position to supply the above particulars But despite the fact that 16 States and 2 Union Territories had notified such lists and several of them had implemented fairly comprehensive programmes for the welfare of OBCs, only one or two of them furnished the necessary details Further, several States did not choose to respond even to some simple and straightforward questions on important policy issues Repeated reminders and contacts at personal level did not materially after the situation.

9 5 The above observation has been made not in any spirit of reprobation, as the Commission has mostly received unfailing courtesy and help from all the State Governments and Union Territories in its work These facts have been stated only to explain the absence of comment or analytical depth while reviewing replies to some of the most important questions in the questionnaire

Criteria

9 6 This section contains questions pertaining to various aspects of the problems of identifying Other Backward Classes Assam, Andhra Pradesh, Bihar, Gujarat, Karnataka, Kerala, Maharashtra, Punjab, Rajasthan and Uttar Pradesh have recommended caste as one of the criteria for identifying backwardness. Delhi, Dadra & Nagar Haveli, Haryana, Himachal Pradesh and Madhya Pradesh have stated that caste should not be made a criterion of backwardness Bihar, Gujarat, Himachal Pradesh, Kerala, Punjab Rajasthan and U P have suggested low economic status as one of the significant tests, while Delhi, Dadra & Nagar Haveli and Haryana have desired the economic factor to be the sole determinant of backwardness

9 7 Regarding non-Hindus, Assam has stated that there are classes of socially discriminated people amongst them also and this should serve as a basis for determining their social backwardness Similar views were expressed by Gujarat and Maharashtra. Madhya Pradesh preferred the literacy test for non-Hindus and Haryana was in favour of the economic criterion Kerala considered traditional occupations, economic backwardness and low social status of converts to be the criteria for this purpose Punjab and Orissa favoured the same tests for both non-Hindu and Hindu communities.

Safeguards, Reservations, etc

9 8 Chapter II of this Report contains particulars of the welfare measures taken by eighteen State Governments, and Union Territories for the welfare of Other Backward Classes Quantum of reservation in Government employment and educational institutions

has also been indicated in that Chapter The remaining 13 States and Union Territories, i e, Andaman and Nicobar Islands, Arunachal Pradesh, Chandigarh, Dadra & Nagar Haveli, Goa, Daman & Diu, Lakshadweep, Madhya Pradesh, Manipur, Mizoram, Nagaland, Sikkim, Tripura and West Bengal have so far neither identified Other Backward Classes nor taken any steps for their upliftment Even among the 18 States who have done so, quite a few have provided only token relief to OBCs For instance, Assam, Pondichery, Rajasthan, Orissa, Meghalaya and Delhi have not made any reservation in services or educational institutions and Gujarat, Haryana, Himachal Pradesh and Punjab have done so only nominally In U P, even 15% reservation for OBCs has been set aside by Allahabad High Court and the matter is pending in appeal in the Supreme Court

9 9 Several questions in this section pertained to the representation of Other Backward Classes in elected bodies, services, etc A couple of States have replied to these questions and even these replies are scrappy and inadequate

9 10 Only Gujarat has furnished information regarding representation to OBCs in local bodies In the three municipal corporations of Baroda, Surat and Rajkot, Backward class representation was 6%, 16% and 12% respectively In Nyaya Panchayats and District Panchayats, OBC representation ranged from 12 to 16% and the same was the figure regarding the election of backward class candidates as Sarpanchas of Panchayats

9 11 In Haryana, 1,114 (7 4%) Mukhiyas out a total of 15,005 belonged to Other Backward Classes Out of 5,262 Gram Panchayats, 204 (nearly 4%) belonged to backward classes

Only 1 out of 22 Sarpanchas of Nyaya Panchayats in Delhi was from OBCs

9 12 Whereas the Gujarat figures, though much below the percentage of OBC population of the State are, in our view, far higher than those of several other States, it is a pity that most States, especially from the North have not furnished this information

9 13 Regarding the actual representation of OBC in higher public services, only a couple of States have given some information In Kerala 4 out of 7 members of the State Public Service Commission belong to OBCs In Assam this representation was 1 out of 3 and in Uttar Pradesh it was 3 out of 9 Out of 16 High Court Judges in Kerala, 4 belonged to OBCs In Assam this figure was 2 out of 6 and in Maharashtra it was 1 out of 33 In Kerala 12 out of 38 District and Sessions judges and 19 out of 90 heads of department belonged to Other Backward Classes

9 14 The above information is too sketchy and scrappy for any meaningful inference which may be valid for the country as a whole Kerala is known to have taken vigorous and energetic measures for improving the lot of OBCs and, even there, backward classes representation is far below their percentage of the State's population In most other States, especially in the North, the situation is bound to be much less satisfactory

9 15 One interesting question (No 9) pertained to the 'Varna' of the Chief Ministers of various States since Independence. It will be revealing to know that whereas immediately after Independence the Chief Ministers of all except a couple of States in the country were Brahmins, after the 1977 and 1980 assembly elections only a couple of States had Brahmins as their Chief Ministers This is a telling evidence of the inexorable logic of electoral politics and a very significant pointer to the direction in which the events are moving

Census

9 16 This section sought to collect information on various demographic aspects of Other Backward Classes, denotified tribes, advanced castes and to compare lists of Other Backward Classes prepared by Kaka Kalelkar Commission with those notified by various State Governments The information supplied was very incomplete

9 17 The comparison of lists of Other Backward Classes notified by various State Governments and those prepared by Kaka Kalelkar Commission shows wide variations in most of the cases, as will be seen from the following table —

Sl No	Name of the State	No of Castes included in Kaka Kalelkar Commn report	No of Caste notified by State Govt
1	Andhra Pradesh	124	95
2.	Assam	44	119
3	Haryana	88	64
4	Himachal Pradesh	27	48
5	Karnataka	64	191
6	Kerala	48	76
7.	Maharashtra	360	196
8	Orissa		111
		148 (list withdrawn)	
9	Punjab	88	62
10	Tamil Nadu	156	124
11	Uttar Pradesh	120	56

9 18 The main reason for this disparity is that whereas State Governments prepared their lists on the basis of some sort of field survey and investigation, Kaka Kalelkar Commission had mostly borrowed the lists prepared by the Ministry of Education for the award of post-Matric scholarships Secondly, the pressure of field situation and local factors may have also influenced the judgement of State Governments in the preparation of these lists

9 19 No separate lists of Other Backward Classes belonging to non-Hindu communities have been prepared by any State except Uttar Pradesh, where a lists of 21 backward Muslim communities was notified Some other States have included some backward muslim communities in their overall lists of OBSs In Kerala, Muslims, Latin Catholics and

Anglo-Indians and Scheduled Caste converts to Christianity from three of the eight groups for whom separate reservations have been made.

9 20 Some States furnished the lists of denotified tribes Though, in most cases they could not give their approximate population Haryana has 9 denotified tribes, Himachal Pradesh—7, Jammu & Kashmir 2, Karnataka—62, Madhya Pradesh—21, Maharashtra—14, Orissa—11, Tamil Nadu—70, West Bengal—2 and Delhi—2

Social

9 21 This section is mainly concerned with defining the social profile of Other Backward Clases, disabilities suffered by them, the impact of remedial legislation, etc

9 22 Under the Protection of Civil Rights Act, open discrimination against any class of citizens or denial of social, civic and religious rights is a cognisable offence and the concerned State Governments are responsible for its enforcement In view of this no State has admitted to the denial of social, civic and religious rights to any class of citizens But Bihar, Gujarat, Himachal Pradesh, Haryana, Jammu & Kashmir, Kerala, Madhya Pradesh, Punjab, Tamil Nadu and Uttar Pradesh have observed the prevalence of social discrimination of backward classes 'Segregation', 'low social status', 'unclean profession', 'social distance', 'looked down upon', etc are some of the expressions used to describe the social situation of OBCs, Geographical isolation, pursuit of unclean professions, lack of education and employment facilities, primitive and insanitary conditions of living, social taboos, etc are some of the social disabilities said to be suffered by OBCs

9 23 Reservations of jobs in Government services and seats in educational institutions, establishment of separate departments and advisory bodies for the welfare of Backward Classes, allotment of house-sites, setting up of separate financial institutions, etc, are some of the important measures taken by some States for the removal of the above disabilities

9 24 In some States some castes not included in the Scheduled Castes are being treated as untouchables For instance Neo-Budhists in Maharashtra, Muslim Mehtars in Uttar Pradesh etc, are treated as untouchables, though they have not been listed as Scheduled Castes Kolghas, Kolchas Kotwalias, Me in Gujarat are treated as untouchables though the first three castes are included in the list of Scheduled Tribes Most of the States have not replied to this question and the matter needs a more thorough probe

9 25 There are a number of caste-groups which neither belong to the three Varnas nor they have been included in the lists of Scheduled Castes & Tribes or Other Backward Classes For instance Lingayats of Karnataka , Lohals, Kadias Suthars Kumhars and Darjis of Gujarat , Ahirs and Jats of Haryana ; Denotified communities of Himachal Pradesh and Maharashtra, Karnikar, Kurup, Irular, Nair, Nambiars, etc of Pondichelry are the cases in point

9 26 Regarding the caste composition of landless agricultural labourers, Assam, Bihar, Gujarat, Jammu & Kashmir, Karnataka, Madhya Pradesh, Pondicherry, etc, stated that this work-force comprised almost wholly of Scheduled Castes, Scheduled Tribes and Other Backward Clases Haryana, Punjab, Kerala, Maharashtra, Orissa, etc, stated that in addition to the aforesaid three groups, members of other castes also worked as agricultural labourers

9.27 As regards the segregation of living quarters, Kerala, Madhya Pradesh and Karnataka informed that Scheduled Castes and Other Backward Classes were generally found to be living in the same section of the village But Rajasthan, Gujarat, Haryana, Himachal Pradesh and Punjab intimated that these two classes generally did not reside in the same area

9 28 Rehabilitation of denotified tribes is a continuing process and a lot more needs to be done in this connection A large number of them have neither been included in the list of Scheduled Castes nor Scheduled Tribes and dependable population estimates of such tribes are not available in the States Some of the measures adopted for their amelioration are allotment of agricultural land and house sites, provision of educational facilities, establishment of craft training centres, Ashram (residential) schools, hostels, etc

9 29 All welfare schemes for denotified tribes are now being implemented by the State Governments only and the Central assistance earlier given to States in this connection was discontinued with the introduction of Fifth Plan

EDUCATIONAL

9 30 No State Government could furnish figures regarding the level of literacy and education amongst Other Backward Classes Regarding the special measures adopted for the promotion of education among OBCs, the position is as follows —

Assam —Award of post-Matric scholarships, grants for purchase of books, study tours, rservation of seats in education institution and holding of adult literacy classes in backward areas of the State

Andhra Pradesh—Exemption of tuition fees, pre-Matric and post-Matric scholarships, hostel facilities, free supply of clothes and text-books, 20 per cent reservation of seats in educational institutions, 5 per cent relaxation in minimum qualifying marks at the time of admission, etc

Gujarat —Exemption of examination fees, scholarships, free supply of clothes, running of coaching centres, reservation of 10 per cent seats in educational institutions and implementation of adult literacy programme throughout the State One special Ashram school started exclusively for OBC students

Haryana —Award of pre-matric and post-matric scholarships, reservation of 2 per cent seats in educational institutions and 5 per cent relaxation in marks at

the time of admission to various colleges, etc, and exemption of fees where parental income is below Rs 4,200 per annum

Jammu and Kashmir—Establishment of 80 mobile schools for Gujjars and Backwards, special hostel facilities, award of scholarships, free supply of books and uniforms, reservation of seats for various categories of backward classes in educational institutions and opening of 1,100 adult literacy centres

Karnataka—Exemption of schools fees, award of scholarships, hostel facilities, free training in workshops with free uniforms, reservation of 50 per cent seats in educational institutions and running of adult literacy centres

Kerala—Exemption of tuition and examination fees, special stipends, reservation of 5 per cent seats in post-graduate courses and 25 per cent seats in technical institutions and 5 per cent relaxation in marks for admission to various colleges, etc

Maharashtra—Running of non-formal education programme for tribals and 10 adult literacy centres and reservation of 10 per cent seats in educational institutions Exemption of tuition fees for all OBC students whose parental income is below Rs 4,800 per annum

Punjab—Tuition fee concessions, stipends, running of adult literacy classes and reservation of 5 per cent seats in educational institutions

Tamil Nadu—Free education upto higher secondary level, educational concessions for higher studies and 50 per cent reservation in educational institutions

9 31 Regarding OBC representation in University Senates, Syndicates, Academic Councils, Board of Appointments, etc, only Karnataka and Maharashtra have reported making of a special provision for backward classes in their respective University Acts

9 32 Bihar, Jammu & Kashmir, Karnataka and Tamil Nadu have established separate hostels for backward class students Orissa had earlier set up 134 such hostels and after the withdrawal of OBC list these are being used for SC & ST students In Gujarat, 20 per cent of the seats in SC/ST hostels are reserved for OBC students

9 33 From the foregoing it will be seen that except in the South, programmes for the educational advancement of OBCs presently implemented by most of the State Governments are of an uneven, patchy and *ad hoc* nature

WELFARE

9 34 No plan allocation is made by the Central Government for the welfare of Other Backward Classes and State Governments are required to finance all such schemes from their own resources In Chapter II of this Report we have stated that 18 States and Union Territories have launched programmes for the upliftment of OBCs and also given brief particulars of such programmes But it will be seen that even those State which are more sympathetic to the cause of OBCs have not been able to make adequate provision for ameliorating the lot of backward classes For instance, Karnataka, Tamil Nadu and J & K spent 2 4 per cen, 0 27 per cent and 0 46 per cent respectively of their last annual budget on schemes specially prepared for OBCs It will therefore, be seen that the Centre will have to step in a big way to assist the State Governments in framing reasonably effective plans for the betterment of OBCs

9 35 In most of the States, Welfare or Social Welfare Department looks after OBCs Generally, schemes for the upliftment of tribals, Harijans, etc are also entrusted to this Department

9 36 The actual implementation of programmes is mostly entrusted to Directorates of Welfare and several States like Gujarat, J & K, Karnataka, etc, have also set up advisory boards to assist the respective Governments to formulate plans for all categories of under privileged classes In both Tamil Nadu and Andhra Pradesh separate Directorates of Backward Classes has been set up for looking after OBCs

9 37 In practically every State, there are a number of voluntary associations and agencies working for the welfare of backward classes, organising public opinion in their favour and espousing the case of OBCs before official forums For instance, there are as many as 53 such organisations functioning in Gujarat and 61 in Karnatka

9 38 A beginning has been made in some States to set up separate financial institutions to assist OBCs For instance, Assam has set up a development corporation for OBCs The Karnataka Backward Classes and Minorities Development Corporation established in 1977 assists OBCs whose family income is below Rs 6,000 per annum It advances direct loan to borrowers as well as in collaboration with Banks Punjab State Backward Classes Land Finance and Development Corporation advances loans to backward class applicants up to Rs 30,000 per head for setting up small scale industries in various sectors Himachal Pradesh has approved the setting up of an Antodaya Corporation

9 39 State Governments were also asked if backward classes are able to exercise their franchise free from any pressures of threat of violence from the dominants castes Assam, Gujarat, Himachal Pradesh, Jammu & Kashmir, Kerala, Madhya Pradesh, Punjab and Rajasthan stated that OBCs were not subjected to any pressures at the time of elections Karnataka informed that such pressures operated only in the case of the more backward of backward castes It was rather disappointing that even the States of Bihar and Uttar Pradesh, where booth-capturing was a fairly well-known phenomenon, were not forthcoming on this question

EMPLOYMENT

9 40 We had asked the State Governments to list the main occupations of Other Backward Classes and the approximate number of families dependent on each

occupation No State Government could furnish any precise information on this point Most of the States intimated that OBCs worked as small farmers and landless agricultural labourers Some States listed animal husbandry, fishing, poultry, carpentry, blacksmithy, weaving, etc as traditional occupations followed by backward classes

9 41 Regarding the specific steps taken to improve the lot of landless agricultural labourers, most of the States have listed the following measures .—

(1) Passing and enforcement of Minimum Wages Acts for agricutural labourers,

(2) Allotment of surplus land mostly accruing from land ceiling laws, and

(3) Allotment of house sites

The case of West Bengal for effective implementation of Minimum Wages Act merits special mention

9.42 In Karnataka Deputy Commissioners have been instructed to reserve compact blocks of about 200 acres each for setting poor landless agricultural labourers belonging to Scheduled Castes and Tribes and backward tribes In Kerala agricultural labourers have been covered by the provident fund scheme under Agricultural Workers Act In Gujarat, Himachal Pradesh, Rajasthan etc., special facilities are being extended under Antodaya scheme.

9 43 Regarding the impact of 'Green revolution', Bihar, Haryana, Himachal Pradesh, Jammu & Kashmir, Kerala, Maharashtra, Punjab and Uttar Pradesh replied that it has increased agricultural production as well as employment opportunities and improved the income levels of agricultural labour Only Karnataka and Orissa observed that maximum benefit has been derived by the larger farmers Karnataka also pointed to the widening of economic disparity between upper castes and agricultural labourers as a result of green revolution Predictably Punjab was most enthusiastic about its beneficial effects and has referred to the seasonal mass migration of labour from Bihar, Uttar Pradesh, Rajasthan and Orissa as a result of increased demand for labour

9 44 Regarding the prevalence of bonded labour, only Gujarat, Jammu and Kashmir, Karnataka, Orissa and Uttar Pradesh have indicated its existence in some small pockets. In Uttar Pradesh this evil, however, seems to be little more widespread, specially in the hill areas. The State Government has prepared a scheme for the rehabilitation of bonded labourers in tribal blocks and a provision of Rs 30 lakhs had been made for this purpose for 1979-80

9 45 Most of the States have reported loss of employment by village artisans owing to shift in the pattern of economic activity in the villages In Gujrat, bamboo workers, wood workers, handloom weavers, etc. have suffered on this account. Haryana has reported erosion of employment opportunities of carpenters, potters, blacksmith weavers, etc Black smiths, carpenters, potters, leather workers and weavers have suffered a set-back in Punjab.

9 46 Regarding the protection of Other Backward Classes from exploitation by money-lenders, various States have reported the following positions —

Assam —Extension of financial assistance to OBCs by State Development Corporation for Other Backward Classes

Gujarat —Financial assistance for starting cottage industries, small trades, etc, and supply of milch cattle and poultry Vigilance under the Money Lenders Act to prevent charging of exorbitant interest rates

Haryana —Grant of small mid-term loans form mini banks, nationalised banks, coorperative societies, etc, for starting small scale industries and trades, Under Haryana Relief of Agricultural Indebtedness Act, 1976, debts in respect of certain categories of agricultural labourers, rural artisans, etc, have been discharged or scaled down

Himachal Pradesh —Vigilance over interest rates charged by private money-lenders and grant of credit facilities from various financial institutions

Jammu and Kashmir —District Consultative Committees set up to oversee availability of credit to the weaker sections The Distressed Debtors Relief Act and the Usurer Loans Act have also helped backward class debtors

Karnataka —Under the Karnataka Debt Relief Act, 1976 debtors belonging to weaker sections with annual income below Rs 2,400 are entitled to treat their debt wholly discharged

Maharashtra —Protection given under the Money Lenders Act

Orissa—Amendment Orissa Money Lenders Act, 1939 provides adequate protection to weaker sections and heavy penalties to money-lenders for breach of any provision

B *Questionnaire for Central Government, Offices, Etc.*

9 47 A questionnaire for collecting information regarding the representation of all categories of Backward class employees under the Govrnment of India was circulated to all the Ministries, Departments, etc on March 19th, 1979 As no list of OBCs is maintained by the Central Government, nor their particulars are separately compiled in Government offices, a rough and ready criteria for identifying OBC employees for both Hindu and non-Hindu communities was also furnished to the concerned organisations. Particulars of this criteria have been furnished in para. 4 of Annexure-7, Volume II

9 48 Replies to the above questionnaire were furnished by 30 Central Ministries/Departments, 31 Attached and Subordinate offices, and public sector undertakings under the administrative control of 14 Ministries Break-up of the information furnished by

all three agencies is given in Annexure-8, Volume II The following table gives a summary of the over-all employment position in this behalf :—

Category of Employees	Total number of employees	Percentage of SC/ST	Percentage of OBCs
Class I	1,74,043	5 68	4 69
Class II	9,12,786	18 81	10 63
Class III & IV	4,84,646	24 40	24 40
All Classes	15,71,475	18 71	12 55

9.49 Two things become clear from the above table. First, the percentage of SC/ST employees and, much more so, that of Other Backward Classes, is much below the percentage of their total population in the country Whereas the aggregate employment for SC/ST comes to 18 71 per cent against their total population of 22 5 per cent, the employment of OBCs works out to 12 55 per cent against their estimated population of 52 per cent Secondly, the representation of SC/ST and OBC employees in Class I services is much smaller even when compared to the overall employment percentages of these classes For instance, for Scheduled Castes and Scheduled Tribes employees, this figure comes to 5 68 per cent and for OBCs it is 4.69 per cent only In other words, the representation of OBC employees in Class I services of the Government of India is not even 1/10 of their proportion to total population.

CHAPTER X

EVIDENCE BY THE PUBLIC

10 1 The Commission collected voluminous evidence from members of the general public, voluntary organisations, social workers, politicians, legislators, etc The Commission also toured the country extensively and held meetings at State and district headquarters and interior villages to get representations and hear views of as many people as possible All the evidence thus collected has been grouped into following three sections —

I *Questionnaire for the general public, Voluntary organisations, etc*

10 2 A questionnaire (Appendix 4) containing 18 questions was separately prepared for the general public and widely advertised all over the country It was published in leading vernacular and English dailies of all the States toured by the Commission Its copies were also distributed at the meetings held by the Commission during its tours A subject-wise summary of the replies received by the Commission is given below —

(1) *Changes in caste structure since Independence*

10 3 Regarding the material changes that have taken place in the caste-structure of various States since Independence, nearly 63 per cent of the respondents were of the view that no material changes had taken place over this period On the other hand, 17 per cent of the replies indicated that caste cleavages had deepened with time Another 17 per cent were of the view that there have been changes in the political, social and economic status of several castes owing to greater social mobility Interestingly, hardly anybody held the view that casteism is on the decline

(2) *Criteria for defining backwardness*

10.4 Nearly 78 per cent of the respondents were of the view that caste should be accepted as a criterion for identifying backwardness However, 28 per cent favoured the acceptance of caste as the sole criterion Nearly 70 per cent were in favour of evolving multiple criteria based on social status, political influence, educational attainments, economic level, employment status, etc Others favoured the inclusion of place of habitation and financial position also in the list of criteria.

10 5 Regarding non-Hindu religious groups, 62 per cent were of the view that the criteria should be based on economic status, employment, educational level pursuit of traditional occupations associated with low social status, etc Nearly 18 per cent were of the opinion that caste was a fact of life among non-Hindus also and it should be accepted as one of the criteria for backwardness

(3) *OBCs list of State Governments*

10 6 Nearly 82 per cent of the respondents who belonged to States which have notified lists of OBCs were aware of this fact However 62 per cent were not satisfied with the lists thus notified for one reason or the other It was pointed out that many advanced castes have been included in the Lists and several backward classes left out Some people also felt that those lists were not based on objective tests

10 7 Nearly 82 per cent of the replies showed that special facilities have been given to socially and educationally backward classes Nearly 52 per cent testified that educational facilities as well as reservation in jobs have been extended to backward classes

(4) *Jobs Reservations*

10 8 In the States where jobs have been reserved under Government employment and public sector undertakings for OBCs, nearly 75 per cent of the respondents showed awareness of this fact, but 65 per cent expressed dissatisfaction with the quantum of reservation

10 9 Regarding the steps to be taken to enhance the intake of Other Backward Class candidates in services, 45 per cent suggested increase in the percentage of reservation Nearly 17 per cent asked for caste-wise reservation of jobs and seats in educational institutions Free educational facilities, relaxation of maximum age limit, special coaching facilities for OBC candidates appearing in competitive examinations, etc were some of the other measures suggested in this behalf

(5) *Disabilities suffered by OBCs*

10 10 Nearly 78 per cent of the respondents stated that various types of disabilities like free access to public utilities, social discrimination, lack of educational opportunities, habitation in segregated and neglected areas, etc were some instances of such disabilities Only 9 per cent of the replies indicated that OBCs were not subjected to any discrimination or disability

10 11 Regarding steps taken by the respective State Governments to remove these disabilities, nearly 43 per cent were of the view that no concrete steps have been taken so far On the other hand, 17 per cent felt that some steps have been taken in this direction, but one-third of these persons felt that the steps taken were neither adequate nor effective Others acknowledged that measures like expansion of educational and employment opportunities provision of housing

facilities, etc have helped to mitigate the hardships of OBCs

(6) *Access to employment/education*

10 12 Nearly 82 per cent of the respondents felt that OBCs have to face a number of hurdles in securing employment or admission to institutions of higher education Increase in the percentage of reservation, relaxation of upper age limit, creation of a separate Ministry or a Commission to protect the rights of OBCs were some of the remedial measures suggested by them

(7) *Indebtedness*

10 13 According to 71 per cent of the respondents, majority of the members of OBCs were in debt This high incidence of indebtedness was attributed to illiteracy, poverty, social customs, etc

(8) *Literacy*

10 14 For the promotion of literacy for the OBCs, nearly 40 per cent of the respondents recommended that free and compulsory education for the children of backward classes was necessary Nearly 12 per cent wanted special adult education programmes for OBCs Provision of employment to the educated amongs OBCs, assistance for higher education and vocational training, setting up of more educational institutions, provision of free books and school uniforms, as also free board and lodging and other educational facilities on par with the SC/ST students were some of the other measures recommended for the promotion of literacy among OBCs

(9) *Steps to ameliorate hardships*

10 15 For improving the lot of OBCs, nearly 25 per cent suggested the grant of low or interest-free loans, 10 per cent were in favour of free distribution of agricultural land and house sites, 31 per cent wanted reservation in educational institutions and employment and 26 per cent suggested combination of all the facilities mentioned above.

(10) *Dominant Castes*

10 16 Nearly 50 per cent of the respondents defined dominant castes as those which indulged in social, economic or political exploitation About 74 per cent held the view that the three upper Varnas constituted the dominant castes As regards the factor leading to dominance of a caste in the country-side, it was attributed to educational, economic or political status or a combination of more than one of these factors Nearly 35 per cent of the replies indicated that relations between dominant castes and OBCs were strained

(11) *Role of Voluntary Organisations*

10 17 Nearly 72 per cent of the respondents were aware of the existence of voluntary organisations and thought that they work for the welfare of their respective castes or classes As regards the impact of their activities, 17 per cent stated that these organisations helped only members of their own castes Nearly 35 per cent were of the view that some sort of educational, economic, political and social benefits have accrued as a result of the activities of these organisations, but another 20 per cent felt that their impact has been nominal

(12) *Shift in the occupational patterns*

10 18 Regarding shift in occupational patterns, nearly 45% of the respondents felt that significant changes have taken place in the last three decades Nearly 14% stated that these changes have been for the worse and a large number of people have been rendered jobless as a result of industrialisation, social change, etc Above 35% of the respondents were of the view that these changes have been for the better.

(13) *Economic Criteria*

10 19 Regarding validity of economic criteria for the identification of backwardness nearly 36% of the respondents were not in its favour, but 28% thought that backwardness was directly linked with poverty.

II *Evidence of Members of Parliament*

(A) *Sixth Lok Sabha*

10 20 The Commission invited members of Sixth Lok Sabha and Rajya Sabha for expressing their views on its terms of reference Members of Parliament were invited in six batches from March 31st to May 8th, 1979, and the list of participants is at appendix 9

10 21 A large number of MPs including Sarvshri R L Paswan, Hukam Dev, Ram Vilas, L R Naik, K Ramamurthi, P V Periasamy, B R Malhan, Govindaran Miri, Nathu Singh, R S Yadav, Brahm Perkash, B P Maurya, Mohan Lal Pipal, Daya Ram Shakaya, Sham Lal Yadav Kunwar Mahmood Ali Khan, R L Kureel, M V Visharad, Kaiho, Cheetubhai Famit, S H Lingdoh, G Mallikarjun Rao and K S Narayan expressed themselves in favour of reservation of seats in Government employment and educational institutions for Other Backward Classes They considered it an important ameliorative measure for their advancement Further, Sarvshri L R. Naik, P V. Periasamy, Govindaran Miri, Brahm Perkash, B P Maurya, Sham Lal Yadav, Kunwar Mahmood Ali Khan, Mangal Dev Visharad, G Mallikarjun Rao and K S Narayanan emphasised that in view of various historical and cultural factors caste should be made the criterion for social and educational backwardness among Hindu communities, Sarvshri Ram Vilas, R L Kureel and K N Narayana held the view that the quantum of reservation for OBCs should be proportionate to their population On the other hand, Sarvshri Chaturbhuj and Chandan Singh were of the view that means test or economic criteria should be adopted for identifying Other Backward Classes

10 22 Shri Ramamurthy and Dr P V Periasamy drew the Commission's attention to the false propaganda being carried on by certain vested interests to create bad blood between Other Backward Classes and SC/ST by spreading the impression that if special concessions were given to OBCs, these will be

at the cost of Scheduled Castes and Scheduled Tribes These MPs made the very important point that the Commission should be at special pains to emphasize that there was no clash of interest between OBCs and SC/STs and that, these two groups, in fact, are the two parallel streams of the movement of under-privileged classes

10 23 Some of the other observations made by individual MPs are as follows —

10 24 Shri B P. Maurya explained in detail the genesis of caste system and maintained that under the Indian conditions 'class' (in the Marxian sense) was the creation of caste and not *vice versa* In view of this, caste has to be the basic criterion for identifying social and educational backwardness He also expressed the view that it was iniquitous to extend the benefit of reservation, etc to those members of OBCs who had already made reasonable progress In view of this he suggested that the criterion of caste should be applied in conjunction with that of poverty

10 25 Shri Ram Vilas suggested that the existing percentage of reservation for OBCs should be increased and greater educational facilities provided to them A number of backward communities had been left out from the State lists and their claims should be re-examined He also wanted the collection of comprehensive socio-economic and educational data about OBCs He was of the view that in case the family income of a candidate exceeded Rs 10,000 per year, he should not be given the benefit of reservation

10 26 Shri Ramamurti was much concerned at the Government having ignored the recommendations of the Kaka Kalelkar Commission for the past 25 years and he was very particular that the Government should take immediate action on the report of the present Commission

10 27 Shri L R Naik emphasised that a Central list of OBCs should be prepared by Government of India and, in view of the specific constitutional provisions, only those classes should be included in this list which were socially and educationally backward He also stated that the Commission's criteria should be based on these factors only He desired a thorough study of court judgements on this issue for the Commission's guidance

10 28 Shri Daya Ram Shakya expressed himself against the system of interviews by various Public Service Commissions, etc for the recruitment of candidates as he felt that it gave undue advantage to city dwellers and the children coming from well-to-do homes He also suggested that while preparing the list of OBCs, castes left out by Kaka Kalelkar Commission should be included by the present Commission On the other hand, such castes as had made progress since the submission of Kaka Kalelkar Commission report should be deleted from the list of OBCs

10.29 Shri Mangal Dev Visharad pointed out that social backwardness was directly linked to caste and even when a socially backward caste becomes economically advanced, its social status does not improve. He cited the incident where Babu Jagjivan Ram had unveiled the statue of a national leader at Varanasi Subsequently, caste Hindus washed that statue with Gangajal' as Babu Jagjivan Ram was supposed to have polluted it by his touch

(B) *Seventh Lok Sabha*

10 30 As the Sixth Lok Sabha was prematurely dissolved and the Seventh Lok Sabha was in position in January, 1980, the Commission invited the Members of the new Lok Sabha also for giving evidence on its terms of reference The country was divided into four regions and members from each region were invited separately from July 1st to 4th, 1980, to meet the Commission Invitations were also issued to members of Rajya Sabha List of MPs who responded to the Commission's invitation is at appendix 10

10 31 Most of the MPs of the Seventh Lok Sabha also contended that special facilities should be given to Other Backward Classes and reservations in services and educational institutions made for them MPs who pressed this view were Sarvshri P Shiv Shankar, P Rajagopal Naidu, N G Ranga, R V Swaminathan, L Balanandan, Narsinh Makwana, B K Gadhavi, Mundar Sharma, S B Chavan, Madhu Dandavate, G R Kochak, Hakam Singh, Shyam Lal Yadav, Narendra Singh, Ram Pyara Panikar, J S Kashyap, N E Horo, D P Yadav and C M Panigrahi Most of them also held that social and educational backwardness should form the basis of identification of OBCs Shri B R Reddy and Professor N G Ranga were of the view that benefits for OBCs should be restricted to families whose monthly income did not exceed Rs 1,000 so that affluent section of backward classes did not get undue advantage of reservations etc Shri S B Chavan was also in favour of some such restriction so that the list of OBCs does not become very lengthy, thereby diluting the benefits for backward classes

10 32 Shri G M Shah, Gen Rajinder Singh Sparrow, Shrimati Rajinder Kaur and Shri Tompok Singh were in favour of giving primary to economic criteria in determining backwardness

10 33 Shri P Shiv Shankar (Law Minister) suggested that it would be safer to follow the criteria of social and educational backwardness already upheld by the Supreme Court in a number of cases Adoption of other criteria will lead to fresh litigation and create complications He also felt that the acceptance of economic criteria would give a setback to OBCs Lists of OBCs already drawn up by several State Governments have been, in most cases, already tested before courts and the Commission should try to adopt those lists as far as possible He was also of the view that in addition to reservation at the time of initial recruitment, there should be 3 to 4% reservation for promotion posts also.

10 34 S/Shri B J Poojari and N B Sidman felt that Scheduled Castes' converts to Christianity, etc should also be included in the list of OBC The same view was expressed by Shri E Balanandan.

10.35 Shri R. P. Gaekwad said that lack of education was the main handicap of backward classes and all facilities should be provided for their educational advancement But he did not see any justification for reserving jobs for them. Shri N K Shejawalkar was also of the view that it will not be proper to make reservation in services for OBCs Shri Bapusaheb Parulekar stated that the goal of the nation was to establish a casteless and classless society and this goal should not be lost sight of while framing criteria for listing OBCs

10 36 Prof Madhu Dandavate stated that conversion from one faith to another did not change the socio-economic status of a person It was, therefore, desirable that converts from Scheduled Castes to Buddhism, Christianity, etc should be treated as Scheduled Castes But until this change was brought about by legislation, all such converts should be listed as OBCs He also felt that economically backward classes should be treated as a separate entity from socially and educationally backward classes As an example of blind priestly prejudice against low castes, he cited the incident when Lord Mountbatten had invited Dr B R Ambedkar, a member of his Executive Council to accompany him to a visit to Jagannath Puri temple Whereas the local priests happily welcomed Mountbatten to enter the temple, they refused permission to Dr Ambedkar

10 37 Shri Mubarak Shah felt that in view of the special location and problems of Jammu and Kashmir, all-India model of caste-based society was not applicable to that State He felt that geographical location and complete isolation of certain areas should form the basis for determining backwardness for Jammu and Kashmir

10 38 Shri Jyotirmoy Bosu pointed out that caste was a legacy of the feudal system and viewing the social scene from the casteist angle was no longer relevant for West Bengal He also stated that his party would express its considered views on various issues before the Commission after examining the matter more thoroughly

10 39 Shrimati Gita Mukerjee stated that caste based discrimination was a thing of the past in West Bengal Old occupational patterns had undergone changes and there was no single caste following any single hereditary occupation. She was in favour of giving special assistance to economically weaker sections of society

III *Commission's Tours*

10 40 The Commission toured most of the States and Union Territories of India to collect on-the-spot evidence (Appendix-11) Tour programmes of the Commission were given advanced publicity in every State and the Commission's questionnaire for the general public was also published in vernacular and English dailies At the headquarters of the States the Commission met Chief Ministers, Ministers, Members of Parliament, MLAs, senior officials, representatives of social and caste organisations and other prominent publicmen. It also received a large number of representations during its tours of Districts and villages and recorded evidence of the speakers at its meetings. In the course of its tours, the Commission visited 17 States, 5 Union Territories received 2,638 representations and recorded evidence of 1,539 persons.

10 41 Broadly speaking, two types of evidence were tendered before the Commission. First, a large number of publicmen and caste association argued their case for the inclusion of a particular caste in the list of Other Backward Classes Some of them, whose caste was already notified as backward by the State concerned, wanted it to be included in the list of Scheduled Castes or Scheduled Tribes Nearly 3/4th of the respondents appearing before the Commission belonged to this category Their representations have been separately examined and the results of this examination have been incorporated in the State-wise lists of OBCs prepared by the Commission Secondly, there were associations or persons which discussed the question of social and educational backwardness in more general terms and offered various suggestions on the terms of reference of the Commission

10 42 An over-whelming proportion of respondents appearing before the Commission contended that caste should be the basis for determining social and educational backwardness They were in favour of giving liberal concessions to OBCs so as to off-set their historical handicaps which they had suffered for centuries as a result of their low caste status Some of the important measures were reservation in Government services and educational institutions, relaxation in minimum qualifying marks and upper age limit for admission to various courses, etc , other educational concessions like free books, uniforms and special coaching facilities, allotment of house-sites, grant of liberal loans at low rates of interest, assistance in setting up small-scale industries, etc

10 43 A number of respondents argued that the reservations for OBCs should be in proportion to their population, as it was only just and fair that in a democratic set-up they are adequately represented in public services Some of them also maintained that there should be reservations for OBCs in Parliament and Legislative Assemblies, as Other Backward Classes will be in a position to assert their rights only after they have acquired sufficient political clout. A number of associations and persons suggested that Public Service Commissions, Selection Boards and all other recruiting agencies should have adequate representation of OBCs so that backward class candidates could get a fair and sympathetic treatment from these bodies It was repeatedly emphasised that with a view to ensuring proper protection and fair treatment at the hands of law-enforcement agencies, the bulk of the police force should be recruited from the weaker sections of society This sort of policy would not only instil confidence in the underprivileged and backward classes, but also ensure that the law enforcement agency is more sensitive and understanding towards the problems of these defenceless people.

10.44 Several respondents stated that the existing State lists of OBCs included many castes and communities which were really forward and left out some others which were actually backward They also pointed out that the special concessions meant for the upliftment of backward classes were, in actual fact, cornered by the more influential and stronger groups and adequate safeguards should be devised to protect the legitimate interests of the genuinely backward classes In view of this Scheduled Castes converts to Christianity, Islam, Buddhism etc, should not be denied the benefit extended to Scheduled Castes and the same should hold good in respect of OBCs At some places it was also contended that all Muslims and all Christians should be included in the list of OBCs as these communities were really very backward

10 45 Regarding the criteria for identifying OBCs, some people suggested that all hereditary occupations carrying the stigma of low social status should be made a touch-stone of backwardness

10 46 It was but natural that most of the respondents appearing before the Commission belonged to OBCs, as they were the people representing aggrieved classes and they were keen to ventilate their grievances before the Commission But at most of the places some associations or members of the forward classes or castes also gave evidence before the Commission These respondents generally opposed the linking of caste with social backwardness and expressed themselves against reservation of posts in Government services for OBCs They were generally in favour of applying the means-test for determining backwardness and contended that poverty was the real cause of social and educational backwardness Interestingly enough, some Bhahmins in parctically every State staked their claim to be included in the list of OBCs as they neither enjoyed high social status nor could educate their children owing to lack of means

10 47 Generally speaking, it was seen that the views of every individual, group and association were conditioned by their own class interests and the question of giving concessions to OBCs was surcharged with emotion The Commission repeatedly noticed that at the same meeting speakers expressed diametrically opposite views on this issue and class bias was the most compelling logic behind their convictions For instance in the meeting at Trivandrum held on 15-6-1979, Shri R Sundaresan Nair MLA, stated that there was no social discrimination or untouchability in Kerala and, that economic criteria should be accepted for determining backwardness The next speaker, Shri A N Nadar, MLA, contended that caste system was strongly entrenched in Kerala and caste should be accepted as a criterion for social and educational backwardness A little later Shri Issuddin President Trivandrum District Committee of All India Muslim League, expressed himself in favour of economic criteria while Shri K Vasudevan of Akhil Bharatiya Vishwakarma Mahasabha Trivandrum was vehemently opposed to it Similarly in a meeting held at Saharsa (Bihar) on 26-5-1979 Shri Jagan Nath Misra favoured the economic criteria whereas Shri Narendra Narain Yadav was wholly in favour of the caste criteria Numerous such examples can be cited from every State

10 48 In the following is given a gist of the views expressed by some respondents in some of the States visited by the Commission An effort has been made to present as wide a spectrum of opinions as possible

10 49 Shri G Lachanna, MLA, Hyderabad, lamented the lack of any provision in the Constitution for abolishing caste system and pointed to the caste conflicts in Bihar, Uttar Pradesh and Maharashtra as indicative of increasing casteism in the country Lower castes had suffered from discrimination for ages and remedial steps should be taken for their advancement In his view, there was no social backwardness amongst non-Hindu communities, as they were free from the bane of casteism Though he was satisfied with the reservation of 25 per cent made by Andhra Pradesh Government, he desired more facilities to be extended to OBCs

10 50 Shri P Lakshmana Rao, Ex-MLA, speaking on behalf of Agnikula Kshatriya Sangam, stated that his community of Fishermen was exceedingly poor, lived in remote villages and frequent cyclones rendered its existence very precarious Owing to its extreme backwardness in 1968 there was a proposal to include his community in the list of Scheduled Tribes, but somehow this did not materialise He pleaded for separate reservation for Fishermen as a group He also wanted interest-free loans, low-cost housing and improved communication facilities for fishermen

10 51 Shri J Yadagiri of Andhra Pradesh Backward Class Students Association, Hyderabad, desired that OBCs should be given adequate representation and reservation in Indian Central Services Union Public Service Commission Nationalised Banks, Public Corporations etc The quantum of reservation should be in proportion to their population Fifty per cent of the seats in residential schools should be reserved for OBCs There should be a standing vigilance body to ensure proper implementation of the reservation policy framed by the State Government

10 52 Shri Ram Sunder Das Chief Minister, Bihar stated that the question of making adequate reservation in services and educational institutions for OBCs is directly linked with the progress and development of the nation The country cannot progress unless the masses are actively associated with the main nation-building tasks This was possible only if much larger number of persons from OBCs are recruited to Government services etc

10 53 Shri Abhinash Chandra, Mukhiya Chausa West (Bihar), stated that caste should be the criterion for identifying social and educational backwardness There should be 60 per cent reservation for OBCs in Government employment and educational institutions Provision for reservation could be effectively implemented only when the recruiting agencies comprised OBCs Other Backward Class candidates selected on the basis of merit should be excluded from the reservation quota Seat should also be reserved for OBCs in the State Assemblies There should be separate provision for the intake of women

10 54 Shri Y Ramachandran, Bangalore, stated that the demands and rights of backward classes have been denied since 1935 and it is high time that the Central Government gave adequate relief to OBCs Under the Indian conditions caste was the only dependable criterion for social and educational backwardness Adequate reservation in Services and educational institutions should be provided for OBCs and the quantum of reservation should be determined in the light of the Supreme Court's decisions on this matter

10 55 Shri K R S Naidu, Bangalore, stated that he had identified nine factors for determining backwardness These were social, educational, economic, cultural, traditional, historical, graphical (?), geographical and political He also emphasised that Indian society was divided into two main classes, *i e* the manual workers and intellectual workers This distinction was very relevant for judging the social status of a class

10 56 Smt Parvathi Amma, Prof of Sociology, Mysore University stated that whereas backwardness was directly linked to caste, the unit of identification should not be sub-caste but whole communities which were socially and educationally backward Education was the greatest anti-dote to backwardness and should be made free upto the level of matriculation Economy should be diversified rapidly to create job opportunities for backward classes

10 57 Shri P K Gopalakrishnan, Deputy Speaker, Kerala Legislative Assembly, stated during the Commission's meeting in Trichur that caste was a very important fact of our social life and person's social status was determined by four factors the position of a community in the caste hierarchy, its ability to influence politics of the State, its financial condition and its educational and employment status

10 58 Shri K M Raman of Harijan Samajam, Calicut (Kerala), expressed the view that by listing a large number of castes as backward the privileges and concessions given to the untouchables were being exploited by classes who did not really deserve them

10 59 Shri B B Abdullah Koya, M P (Calicut), wanted 'occupation' to be the criterion of backwardness Scholarships to the backward class students should be given liberally and there should be relaxation of upper age limit and minimum educational qualifications for entry into services He wanted the entire Muslim community to be declared as backward and suggested the provision of free legal aid to backward classes so that they could resist exploitation by the affluent sections of society

10 60 Shri Panna Lal Yadu, Journalist, Raipur, stated that there were several districts in Chhattisgarh and the population of Kurmi, Teli and Yadav Communities was about 25 lakhs, 20 lakhs and 17 lakhs respectively But there was no M L A or M P or senior official from these communities He pleaded for the introduction of reservation for these and other backward communities in educational institutions, Government services, Parliament and State Legislatures.

10 61 Shri Viswanath Singh, Satna, representing Rajput community. wanted economic tests to be adopted for determining backwardness and pointed out that reservation on the basis of caste had resulted in riots in Bihar and Uttar Pradesh

10 62 Shri Promode Kumar Das, representing weaver community of Balbhadrapur, Tanti (Orissa) deposed that owing to increasing popularity of powerlooms his community was very adversely affected Only 5 out of 106 families of weavers in the village were presently following their traditional occupation Out of 22 matriculates, 11 had joined Government service and the remaining were keen on getting training in powerloom technology He desired reservation for his community in Government services and educational institutions and also award of stipends to students upto the matriculation stage

10 63 Shri Hare Krishna Sahu, representing Teli community, stated before the Commission at village Bodamundei (Orissa) that none of the 36 families of his caste was engaged in their hereditary occupation of oil-pressing Mechanical oil-pressing units had monopolised the market and oil seeds were in short supply as land was being increasingly used for paddy cultivation Owing to extreme poverty, Telis could not impart higher education to their children He wanted special credit facilities for the purchase of oil seeds and installation of mechanised pressing units

10 64 Shri B S More, Neo-Budhist, Aurangabad, pointed out that after centuries of ostracism, the Harijans became neo-Budhists But unfortunately they were still being subjected to all sorts of discrimination and treated as untouchables Concessions for neo-Budhists should be continued till the practice of untouchability disappeared Those who were financially well off and such castes which were not being treated as untouchables should be deleted from the list of Scheduled Castes

10 65 Shri A M Bane Secretary, Muslim Backward Classes Association, Nagpur explained that several Muslim communities had the same caste structure as the Hindus and they also followed hereditary occupations Giving examples of correspondence between Muslim and Hindu occupational communities, he stated that Qasai and Khatik, Julaha and Halba Bunkar, Pinjara and Dhunia Lalbegi and Bhangi, Rangrez and Rangari Teli and Tirmal were cases in point He desired that the same concessions should be extended to the Muslim occupational communities as done in the case of Hindu communities

10 66 Shri Dau Lal, Secretary, Rajasthan Backward Classes Federation, Jaipur stated that Rajasthan Government has not extended any worthwhile concessions to backward classes The backward classes had no voice in the State Assembly and he recommended reservations for them in Assemblies and Parliament He also wanted reservation in Government services and expressed the apprehension that the Report of this Commission may meet the same fate as that of Kaka Kalelkar Commission

10.67 *Shri Om Parkash Parmar, Jodhpur, suggested* that caste-wise enumeration of population should be re-introduced with 1981 Census He wanted special concessions for occupational communities and the setting up of a Backward Classes Board in Rajasthan He was also in favour of free education and free legal aid to members of backward classes

10.68 Fr Joseph Cannath, Gangtok, stated that the Christians numbered around 5,000 in Sikkim and most of them belonged to the backward tribes of Limboos and Rais But they were not getting any special benefits owing to change of religion He pleaded that caste should not be criterion for determining backwardness and social and educational backwardness could be removed only if economic conditions were improved In case caste is adopted as a criterion of backwardness, the Christian community will suffer heavily

10 69 Shri P M Subba, M P, confirmed at Gangtok the observation made by some other speakers that Scheduled Tribes in Sikkim were getting more facilities and concessions as compared to Scheduled Castes the former were given free hostel accommodation, books, scholarships, house-building advances, sewing machines, etc which were not extended to the latter He also pointed out that there was caste system among Nepalese in Sikkim and the low castes amongst them should be included in the list of OBCs

10.70 Shri R Govindarajan, President, Parvatharajakula Youth Association, Kumbakonam, Thanjavur, wanted Fishermen's community to be bracketed with Scheduled Tribes in view of its extreme backwardness He suggested the preparation of a time-bound programme for the advancement of this community and grant of loans to unemployed for starting small scale industries, mechanisation of fishing boats, etc He was very particular that fishing rights should be granted to members of the Fishing community only

10.71 Shri A Latif, MLA, Tirunelvelli, contended that the Muslim representation in services was only 3 per cent though they constituted 10 per cent of the State's population In view of this adequate provision should be made to increase their representation in services He also wanted more Muslims to be recruited to the Special Branch and Intelligence section of the State Police Force

10 72 Shri A N Saha, Secretary, West Bengal Backward Classes Federation, stated at Calcutta that economic criteria did not find any place in the Indian Constitution for identifying socially and educationally backward classes He asserted that there was casteism in West Bengal and there were no inter-caste marriages He also contended that over the last 25 years there has been little change in the living conditions of the 105 communities listed as backward by Kaka Kalelkar Commission He suggested some sort of income ceiling to pick out the more backward castes for special concessions

10 73 Shri Gur Mohan Shar, General Secretary, West Bengal Swarnakar Sabha, deposed in Calcutta that he did not agree with the State Government's view that there were only two castes, *i e*, the rich and the poor Caste system was as deeply entenched in West Bengal as in the rest of the country He pleaded that his community of goldsmiths was socially and educationally very backward and only few Swarnakars were in Government service He desired them to be listed as backward

10 74 Shri Narayan Chaudhuri stated at Burdwan that people of West Bengal were against caste system and there was not much difference between high and low castes While referring to agitations against reservations in U P and Bihar, and the troubled conditions in Assam and Tripura, he opined that reservations for Scheduled Castes and Scheduled Tribes should also be abolished and economic criteria should be made the basis of backwardness He felt that only the more influential people amongst lower castes were getting the benefit of reservation In view of this means-test should be the only basis for giving concessions to backward people

10 75 Shri Raghubar Dyal Verma, (Boatman), Agra, stated that whereas the population of OBCs in U P was 56 per cent, only 15 per cent reservation has been provided for them in Government services. He wanted this figure to be raised to 60 per cent He also desired reservation quotas for OBCs in All India Services and autonomous bodies He suggested that all Selection Committees should include representatives of OBCs

10 76 Dr J Prasad (Kachhi), Professor, Degree College, Kanpur, said that the criteria of backwardness fixed by the U P Government for reservation of posts for OBCs was defective, as candidates selected on merit were also counted against the meagre quota of 15 per cent He desired that Central aid should be provided for the education of backward-class children, seats should be reserved for them in educational institutions and special programmes designed to remove their cultural backwardness

CHAPTER XI

SOCIO-EDUCATIONAL FIELD SURVEY AND CRITERIA OF BACKWARDNESS

11 1 In their examination of Kaka Kalelkar Commission Report, the Government of India had specially noticed the absence of any objective tests for identifying socially and educationally backward classes Several Supreme Court judgements have also emphasised the need for evolving such criteria on the basis of field investigations and other independent evidence It was in view of these considerations that the Commission decided to tap a number of sources for the collection of data and Chapter III of this Report contains a brief account of this approach

11 2 Socio-educational field survey was the most comprehensive inquiry made by the Commission in this behalf Right from the beginning, this survey was designed with the help of top social scientists and specialists in the country, and experts from a number of disciplines were associated with different phases of its progress

11 3 To begin with, a Research Planning Team of sociologists met in Delhi from June 12th to 14th, 1979 to draw up a plan of studies and researches which should be undertaken by Backward Classes Commission for determining, in a scientific and objective manner, the criteria for defining socially and educationally backward classes The report of this team is at Appendix-12, Volume II

11 4 Subsequently, a Panel of Experts (Appendix-13, Volume II), led by Professor M N Srinivas, met in Delhi from July 16th to 20th, 1979, and after detailed deliberations, prepared a complete design of the survey along with a set of schedules, dummy tables, instructions, etc

11 5 Experts' Panel agreed with the observation of Research Planning Team that the task before the Commission was to "lay down the criteria for identifying recognisable and persistent collectivities and not individuals" It also observed, "in the Indian context such collectivities can be castes or other hereditary groups traditionally associated with specific occupations which are considered to be low and impure and with which educational backwardness and low income are found to be associated"

11 6 With a view to providing continuous guidance at the operational level, a Technical Advisory Committee was set up under Dr K C Seal, Director General, Central Statistical Organisation, with Chief Executive, National Sample Survey Organisation, and representatives of Directors of State Bureaux of Economics and Statistics as members,

Schedules

11 7 The experts' Panel had prepared the following four schedules for canvassing during the field survey —

(i) Household schedule (rural)

(ii) Household schedule (urban)

(iii) Village schedule

(iv) Town schedule

These schedules were pre-tested in a number of villages in West Bengal, U P, Maharashtra and Haryana and validation checks carried out by the Research & Survey Wing of the Commission The results were discussed by Technical Advisory Committee and, after detailed examination, it was decided that rural and urban household schedules may be combined in one composite schedule with two independent, mutually exclusive sections for rural and urban areas It was also decided to drop the town schedule The combined rural and urban household schedule was fully pre-coded so as to meet the requirements of electronic processing of data The schedules thus finalised and actually canvassed in the field are at Appendices 14 and 15, Volume II

11 8 Household schedule was divided into five parts, *i.e.*, household particulars, particulars of individual members, particulars of non-students between 5—15 years, description of assets and indebtedness Questions under each part were so framed as to get information on such social, educational and economic particulars of a household as characterised the syndrome of social and educational backwardness in the Indian conditions

11 9 All the questions in the schedules were direct and did not involve any probing As indicated earlier, these schedules were pre-tested in four States, validation checks carried out at the headquarters and some modifications made as a result thereof

Samples Size and Coverage

11 10 Experts' Panel had recommended "1% purposive sample of villages at district level to be able to identify a vast majority of backward classes" At a subsequent meeting of Technical Advisory Committee presided over by Director General Central Statistical Organisation it was decided that for our purpose a sample of 1% of the country's population comprising 65 lakh persons may be too large especially in view of the limited time available to the Commission Instead 100% coverage of two villages and one urban block in each district of the country was considered to be quite adequate In view of the

vast experience of Central Statistical and National Sample Survey Organisations in conducting surveys this recommendation of the Committee was accepted The selection of villages and urban blocks was left to the State agencies entrusted with the survey It was, however, emphasised that, as far as possible, the villages and urban blocks selected for survey should be of a composite nature, mediumsized and should reflect typical rural or urban conditions of the concerned district A list of the villages and urban blocks surveyed in each State is at Appendix-16, Volume II

Organisation of Survey

11 11 Survey operations were entrusted to the State Statistical Organisations of the concerned States/Union Territories This was made possible through the good offices of Dr K C Seal, Director General, Central Statistical Organisation, who took up this matter at the Fourth Conference of Central and State Statistical Organisations held at Lucknow from September 20th to 24th, 1979 and persuaded the State representatives to accept this challenging task

11 12 All the schedules, survey instructions, etc, were got centrally printed in Delhi and despatched directly to a number of distribution centres indicated by each State Each State nominated a Contact Officer to coordinate survey work at the State level The actual work of survey was entrusted to District Statistical Officers who selected two investigators per village/urban block for actual canvassing of schedules in the field It was also decided that the filled-in schedules will be scrutinised at each district headquarters before they are forwarded to the Commission

Training of Survey Staff

11 13 Special emphasis was laid on proper training of not only the field staff but also the District Statistical Officers and the State level Contact Officers An orientation course for Contact Officers was held at Delhi on 9th and 10th January, 1980 and the time-schedule of field operations was also discussed at this meeting Instructions for filling the schedules were elaborated in the light of these discussions (Appendix-17, Vol II) and, this was followed up by issuing supplementary guidelines for filling the schedules (Appendix-18, Volume II) The State Contact Officers convened training sessions of their respective District Statistical Officers who, in turn, undertook training of field investigators and scrutinisers Special instructions regarding the scrutiny of schedules were also issued (Annexure-19, Volume II) On-the-spot inspections by District Statistical Officers during the progress of the survey were ensured

Time Frame of Survey

11 14 According to the time-schedule of field operations approved at the meeting of State Contact Officers held in Delhi on January 9th and 10th, 1980, it was decided that the Commission will undertake to despatch the schedules immediately so that they reach the district headquarters before January 31st, 1980 Field survey operations were to commence in the beginning of February and completed by the month end The scrutiny of canvassed schedules was to be undertaken simultaneously with the field operations and completed by March 7th, 1980 so that scrutinised schedules could reach the Commission's office in Delhi by March 15th, 1980 This time table could not be adhered to by some States owing to the approaching assembly elections and other bottlenecks, though practically all the completed schedules from all the States and Union Territories were received by the end of May, 1980

Computerisation and Analysis of Data

11 15 Out of 406 districts in the country, our survey covered 405 districts Household schedules were canvassed in 2 villages and one urban block in each of these 405 districts Each household schedule contained 51 questions and there was provision for entering particulars of upto 10 members of the household in each schedule

11 16 Data of this magnitude could be quickly and meaningfully processed by computerisation only In view of this, arrangements were made with the National Informatics Centre of Electronics Commission of India for electronic processing of this data.

11 17 A detailed computer plan was prepared for the generation of a set of 156 tables pertaining to different variables, *i e.*, social, educational, demographic, economic, occupational, etc The tabulation plan was mainly aimed at the analysis of data by caste groups and similar collectivities with reference to the variables given above Caste was also taken as an independent variable

11 18 Technical Committee constituted a Sub-Committee of Experts (Appendix-20, Volume II) to help the Commission prepare 'Indicators of Backwardness' for analysing data contained in computerised tables. After a series of meetings and a lot of testing of proposed indicators against the tabulated data, the number of tables actually required for the Commission's work was reduced to 31 (Appendix-21, Volume II) The formulation and refinement of indicators involved testing and validation checks at every stage

11 19 In this connection it may be useful to point out that in social sciences no mathematical formulae or precise bench-marks are available for determining various social traits A survey of the above type has to tread warily on unfamiliar ground and evolve its own norms and bench-marks This exercise was full of hidden pitfalls and two simple examples are given below to illustrate this point

11 20 In *Balaji's* case the Supreme Court held that if a particular community is to be treated as educationally backward, the divergence between its educational level and that of the State average should not be marginal but *substantial* The Court considered 50% divergence to be satisfactory Now, 80% of the population of Bihar (1971 Census) is illiterate To beat this percentage figure by a margin of 50% will mean that 120% members of a caste/class should be illiterates In fact it will be seen that in this case even 25% divergence will stretch us to the maximum saturation point of 100%

11 21 In the Indian situation where vast majority of the people are illiterate, poor or backward, one has to be very careful in setting deviations from the norms as in our conditions, norms themselves are very low For example, Per Capita Consumer Expenditure for 1977-78 at current prices was Rs 991 per annum For the same period, the poverty line for urban area was at Rs 900 per annum and for rural areas at Rs 780 It will be seen that this poverty line is quite close to the Per Capita Consumer Expenditure of an average Indian Now following the dictum of *Balaji* case, if 50% deviation from this average Per Capita Consumer Expenditure was to be accepted to identify 'economically backward' classes, their income level will have to be 50% below the Per Capita Consumer Expenditure *i e* less than Rs 495 5 per year This figure is so much below the poverty line both in urban and rural areas that most of the people may die of starvation before they qualify for such a distinction!

11 22 In view of the above, 'Indicators for Backwardness' were tested against various cut-off points. For doing so, about a dozen castes well-known for their social and educational backwardness were selected from amongst the castes covered by our survey in a particular State These were treated as 'Control' and validation checks were carried out by testing them against 'indicators' at various cut-off points For instance, one of the 'Indicators' for social backwardness is the rate of student drop-outs in the age group 5—15 years as compared to the State average As a result of the above tests, it was seen that in educationally backward castes this rate is at least 25 per cent above the State average Further, it was also noticed that this deviation of 25% from the State average in the case of most of the 'Indicators' gave satisfactory results In view of this, wherever an 'Indicator' was based on deviation from the State average, it was fixed at 25%, because a deviation of 50% was seen to give wholly unsatisfactory results and, at times, to create anomalous situations

Indicators (Criteria) for Social and Educational Backwardness

11 23 As a result of the above exercise, the Commission evolved eleven 'Indicators' or 'criteria' for determing social and educational backwardness These 11 'Indicators' were grouped under three broad heads, *i e*, Social, Educational and Economic They are —

A *Social*

(i) Castes/Classes considered as socially backward by others

(ii) Castes/Classes which mainly depend on manual labour for their livelihood

(iii) Castes/Classes where at least 25% females and 10% males above the State average get married at an age below 17 years in rural areas and at least 10% females and 5% males do so in urban areas

(iv) Castes/Classes where participation of females in work is at least 25% above the State average

B *Educational*

(v) Castes/Classes where the number of children in the age group of 5—15 years who never attended school is at least 25% above the State average

(vi) Castes/Classes where the rate of student drop-out in the age group of 5—15 years is at least 25% above the State average.

(vii) Castes/Classes amongst whom the proportion of matriculates is at least 25% below the State average.

C *Economic*

(viii) Castes/Classes where the average value of family assets is at least 25% below the State average

(ix) Castes/Classes where the number of families living in Kuccha houses is at least 25% above the State average

(x) Castes/Classes where the source of drinking water is beyond half a kilometer for more than 50% of the households

(xi) Castes/Classes where the number of households having taken consumption loan is at least 25% above the State average

11 24 As the above three groups are not of equal importance for our purpose, separate weightage was given to 'Indicators' in each group All the Social 'Indicators' were given a weightage of 3 point each, Educational 'Indicators' a weightage of 2 points each and Economic 'Indicators' a weightage of one point each Economic, in addition to Social and Educational Indicators, were considered important as they directly flowed from social and educational backwardness This also helped to highlight the fact that socially and educationally backward classes are economically backward also

11 25 It will be seen that from the values given to each Indicator, the total score adds upto 22 All these 11 Indicators were applied to all the castes covered by the survey for a particular State As a result of this application, all castes which had a score of 50 per cent (*i e*, 11 points) or above were listed as socially and educationally backward and the rest were treated as 'advanced' (It is a sheer coincidence that the number of indicators and minimum point score for backwardness, both happen to be eleven) Further, in case the number of households covered by the survey for any particular caste were below 20, it was left out of consideration, as the sample was considered too small for any dependable inference

11 26 The above system of listing castes as socially and educationally backward on the basis of their score may appear somewhat arbitrary On the face of it, this is a tenable viewpoint On the other hand, the points scored by a particular caste under the above system actually reflects the number of indicators of

backwardness which it satisfies Secondly, this method has the great merit of objectivity, as point system allows no subjective assessment Thirdly, this method was found to be highly dependable in practice For instance, as a result of its application, most of the well-known socially and educationally backward castes were identified as backward

11.27 In the end it may be emphasised that this survey has no pretentions to being a piece of academic research It has been conducted by the administrative machinery of the Government and used as a rough and ready tool for evolving a set of simple criteria for identifying social and educational backwardness Throughout this survey our approach has been conditioned by practical considerations, realities of field conditions, constraints of resources and trained man-power and paucity of time All these factors obviously militate against the requirements of a technically sophisticated and academically satisfying operation.

CHAPTER XII

IDENTIFICATION OF O B Cs

OBCs Among Hindu Communities

12 1 In the last Chapter we described the formulation of eleven indicators or criteria of backwardness on the basis of which socially and educationally backward classes may be identified We have applied this criteria to the primary tables generated by the computerised survey data in respect of each State This forms Volume V of this Report The basis for listing a caste as backward or otherwise has been explained in the last Chapter

12 2 It may be clarified that the classes, castes or communities identified as backward as a result of this survey belong to Hindu religion only As the unit of identification in the above survey is caste, and caste is a peculiar feature of Hindu society only, the results of the survey cannot have much validity for non-Hindu communities Criteria for their identification have been given separately

12 3 As the acceptance of caste as a unit of identification, the matter has already been discussed exhaustively in Chapter IV and VII of this Report The Supreme Court has held " but it must not be forgotten that a caste is also a class of citizens and if the caste as a whole is socially and educationally backward, reservation can be made in favour of such a caste on the ground that it is socially and educationally backward classes of citizens within the meaning of article 15(4)."* Further, " a caste has always been recognised as a class There is no gainsaying the fact that there are numerous castes in this country which are socially and educationally backward "** And, "if after collecting the necessary data it is found that the caste as a whole is socially and educationally backward, in our opinion the reservation made of such persons will have to be upheld notwithstanding the fact that a few individuals in that group may be both socially and educationally above the general average " @ Experts Panel (Chapter XI, para 11 5) also recognised that the main task before the Commission was to "lay down the criteria for identifying recognisable and persistent collectivities and not individuals " It also observed, "in the Indian context such collectivities can be castes or other hereditary groups "

12 4 In fact, caste being the basic unit of social organisation of Hindu society, castes are the only readily and clearly "recognisable and persistent collectivities"

*A.I R 1968, SC 1012

**A.I R. 1971, SC 2303

@A.I R. 1972, SC 1375

12 5 Regarding the Statewise lists of socially and educationally backward castes contained in Volume VI of this Report, the following clarification may be borne in mind As stated in the last chapter, only two villages and one urban block were selected from each district of the country for socio-educational survey Whereas the size of this sample was large enough to give us reliable data for the formulation and testing of criteria of socio-educational backwardness, it was not sufficiently comprehensive to cover each and every caste in the country But for our purpose it was also necessary to give complete lists of socially and educationally backward castes/classes in each State, as in the absence of properly identified O B Cs the recommendations of the Commission would have been only if academic interest

12 6 In view of the foregoing, the Commission has also applied some other tests like stigmas of low occupation, criminality, nomadism, beggary and untouchability to identify social backwardness. Inadequate representation in public services was taken as another important test

12 7 Thus, the Commission has adopted a multiple approach for the preparation of comprehensive lists of Oher Backward Classes for all the States and Union Territories The main sources examined for the preparation of these lists were —

(i) Socio-educational field survey;

(ii) Census Report of 1961 (particularly for the identification of primitive tribes, aboriginal tribes, hill tribes, forest tribes and indigenous tribes),

(iii) Personal knowledge gained through extensive touring of the country and receipt of voluminous public evidences as described in Chapter X of this Report, and

(iv) Lists of OBCs notified by various State Governments

12 8 It may be pointed out that the use of personal knowledge by the Commission in the aforesaid manner has been upheld by the Supreme Court in *S V. Balram v State of Andhra Pradesh** In this case the Court referred to the "criticism levelled at the Commission that it had used its personal knowledge for the purpose of characterising a particular group as backward That, in the circumstances of the case, is inevitable and there is nothing improper or illegal. The very object of the Commission in touring various areas and visiting the

*A.I R 1972 SC 1375

huts and habitations of people is to find out their actual living conditions"

12 9 In this context it may also be stated that in some cases, the findings based on socio-educational field survey happened to be inconsistent with the living social reality For example, the social status of Kasera caste in Bihar, Dhobi in Gujarat, Agasa in Karnataka, Kumbhar in Rajasthan, Badager in Tamil Nadu, etc is known to be very low Yet these castes scored below 11 points and, thus, qualified for ranking as forward. Such aberrations are bound to occur in any sociological survey which is based on statistical methods owing to lopsidedness of the sample covered The only corrective to these aberrations is the intimate personal knowledge of local conditions and the use of massive public evidence produced before the Commission. The results of the field survey have been carefully scrutinised and such aberrations rectified as far as possible

12.10 Whereas the Commission has tried to make the State-wise lists of OBCs as comprehensive as possible, it is quite likely that several synonyms of the castes listed as backward have been left out Certain castes are known by a number of synonyms which vary from one region to the other and their complete coverage is almost impossible In view of this the Commission recommends that if a particular caste has been listed as backward then all its synonyms whether mentioned in the State lists or not should also be treated as backward

O.B Cs Among Non-Hindu Communities

12.11 There is no doubt that social and educational backwardness among non-Hindu communities is more or less of the same order as among Hindu communities Though caste system is peculiar to Hindu society yet, in actual practice, it also pervades the non-Hindu communities in India in varying degrees There are two main reasons for this phenomenon first, caste system is a great conditioner of the mind and leaves an indelible mark on a person s social consciousness and cultural mores Consequently, even after conversion, the ex-Hindus carried with them their deeply ingrained ideas of social hierarchy and stratification This resulted in the Hindu converts inadvertently acting as Trojan horses of caste system among highly equalitarian religions such as Islam, Christianity, Sikhism, etc Secondly, non-Hindu minorities living in pre-dominantly Hindu India could not escape from its dominant social and cultural influences Thus, both from within and without, caste amongst non-Hindu communities received continuous sustenance and stimulus

12.12 " Sayyads and Sheikhs are the priestly castes like the Brahmins and the Mughals and Pathans, famous for their chivalry, are equal to the Kshatryas There are occupational castes who are considered lower castes in the hierarchy Thus castes are hereditary names based on their occupation and there is basic tendency among them to practice endogamy They are descendents of the members of the Hindu clean castes who have been converted to Islam either in groups from different castes or as whole castes" *

12 13 On the same point Dr Imtiaz Ahmed observes, "There is a notion of hierarchy among the Muslims, though it is hard to say how far the criterion of the ranking among them can be said to conform to the Hindu model It is clear that castes exists as a basis of social relations amongst them (Muslims) but its form has been greatly weakened and modified as it differs from the Hindu model in certain details "@

12 14 Similar is the situation among Indian Christians " Christians in Kerala are divided into various denominations on the basis of beliefs and rituals and into various ethnic groups on the basis of their caste background even after conversion, the lower caste converts were continued to be treated as Harijans by all sections of the society including the Syrian Christians, even though with conversion the former ceased to be Harijans and untouchables In the presence of rich Syrian Christians the Harijan Christians had to remove their head-dress while speaking with their Syrian Christian masters They had to keep their mouth closed with a hand It was found that the Syrian and Pulaya members of the same Church conduct religious rituals separately in separate buildings Thus lower caste converts to a very egalitarian religion like Christianity, ever anxious to expand its membership, even after generations were not able to efface the effect of their caste background "%

12 15 About Sikhs, the Hindu caste model is almost literally replicated and the fact is too well-known to need any elaboration

12 16 But despite the prevalence of caste system among non-Hindu communities in varying degrees, the fact of the matter is that all these religions are totally egalitarian in their outlook, they proclaim absolute equality of all their co-religionists and any social differentiation based on caste is anathema to them In view of this, caste cannot be made the basis for identifying socially and educationally backward classes among non-Hindu communities We, therefore, shall have to evolve some other rough and ready criteria for identifying non-Hindu OBCs

12 17 On the face of it, the criterion of poverty appears to be the most plausible, but it is full of pitfalls For instance, even a highly respected and well educated sayyad or Syrian Christian may be poor Thus he will not satisfy the constitutional provision of 'social and educational backwardness' Secondly, economic criterion is very difficult to apply A person who is poor today may be well off tomorrow and vice-versa Moreover, verification of economic status is very tricky

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*Caste Among Non-Hindus in India, edited by Dr Harjinder Singh National, 1977.

@Caste & Social Stratification among Muslims in India edited by Dr Imtiaz Ahmed, Manohar Publications, 1978

%K C Alexander in 'Caste among Non-Hindus in India, edited by Dr Harinder Singh

12 18 After giving a good deal of thought to these difficulties the Commission has evolved the following rough and ready criteria for identifying non-Hindu OBCs —

(i) All untouchables converted to any non-Hindu religion; and

(ii) Such occupational communities which are known by the name of their traditional hereditary occupation and whose Hindu counterparts have been included in the list of Hindu OBCs (Examples Dhobi, Teli, Dheemar, Nai, Gujar, Kumhar, Lohar, Darji, Badhai, etc),

Estimated Population of OBCs

12 19 Systematic caste-wise enumeration of population was introduced by the Registrar General of India in 1881 and discontinued in 1931 In view of this, figures of caste-wise population beyond 1931 are not available But asuming that the *inter se* rate of growth of population of various castes, communities and religious groups over the last half a century has remained more or less the same, it is possible to work out the percentage that all these groups constitute of the total population of the country

12 20 Working on the above basis the Commission culled out caste/community-wise population figures from the census records of 1931 and, then grouped them into broad caste-clusters and religious groups These collectivities were subsequently aggregated under five major heads, i e (i) Scheduled Castes and Scheduled Tribes, (ii) Non-Hindu Communities, Religious Groups, etc , (iii) Forward Hindu Castes and Communities (iv) Backward Hindu Castes and Communities, and (v) Backward Non-Hindu Communities Results of this exercise are contained in the table and a look at it will indicate the broad classification adopted by the Commission

12 21 The population of Hindu OBCs could be derived by subtracting from the total population of Hindus, the population of Scheduled Castes, Scheduled Tribes and that of forward Hindu castes and communities and it worked out to 52% But the same approach could not be adopted in respect of non-Hindu OBCs Assuming that roughly the proportion of OBCs amongst non-Hindus was of the same order as amongst the Hindus population of non-Hindu OBCs was also taken as 52% of the actual proportion of their population of 16 16%, or 8 40% Thus the total population of Hindu and non-Hindu OBCs naturally added up to nearly 52% (43 70% + 8 40%) of the country's population

12 22 From the foregoing it will be seen that excluding Scheduled Castes and Scheduled Tribes, Other Backward Classes constitute nearly 52% of the Indian population

Percentage Distribution of Indian Population by Caste and Religious Groups

S. No.	Group Name	Percentage of total population	
	I Scheduled Castes and Scheduled Tribes		
A—1	Scheduled Castes	15 05	
A—2	Scheduled Tribes	7 51	
	TOTAL of 'A'	22 56	
	II Non-Hindu Communities, Religious Groups, etc		
B—1	Muslims (other than STs)	11 19	(0 02)*
B—2	Christians (other than STs)	2 16	(0.44)*
B—3	Sikhs (other than SCs & STs)	1 67	(0 22)*
B—4	Budhists (other than STs)	0 67	(0 03)*
B—5	Jains	0 47	
	TOTAL of 'B'	16 16	
	III Forward Hindu Castes & Communities		
C—1	Brahmins (including Bhumihars)	5 52	
C—2	Rajputs	3 90	
C—3	Marathas	2 21	
C—4	Jats	1 00	
C—5	Vaishyas-Bania, etc	1 88	
C—6	Kayasthas	1 07	
C—7	Other foreard Hindu castes/groups	2 00	
	TOTAL of 'C'	17 58	
	TOTAL of 'A , 'B & 'C'	56 30	
	IV Backward Hindu castes & Communities		
D	Remaining Hindu castes/groups which come in the category of "Other Backward Classes"	43 70@	
	V Backward Non-Hindu Communities		
E	52% of religious groups under Section B may also be treated as OBCs	8 40	
F	The approximate dreived population of Other Backward Classes including non-Hindu Communities	52% (Aggregate of D & E, rounded)	

@This is a derived figure

*Figures in brackets give the population of S C & S T among these non-Hindu Communities

CHAPTER XIII

RECOMMENDATIONS

13 1 It may appear that the upliftment of Other Backward Classes is part of the larger national problem of the removal of mass poverty This is only partially correct The deprivation of OBCs is a very special case of the larger national issue · here the basic question is that of social and educational backwardness and poverty is only a direct consequence of these two crippling caste-based handicaps As these handicaps are embedded in our social structure, their removal will require far-reaching structural changes No less important will be changes in the perception of the problems of OBCs by the ruling classes of the country

Reservations

13.2 One such change in the attitude of the ruling elite pertains to the provision of reservation in Government services and educational institutions for the candidates of Other Backward Classes It is generally argued that looking to the large population of OBCs (52%), recruitment of a few thousand OBCs every year against reserved vacancies is not going to produce any perceptible impact on their general condition On the other hand, the induction of a large proportion of employees against reserevd vacancies will considerably impair the quality and efficiency of the Government services It is also stated that the benefits of such reservations will be skimmed off by those sections of OBCs which are already well off and the really backward sections will be left high and dry Another argument advanced against this approach is that the policy of large scale reservations will cause great heart burning to those meritorious candidates whose entry into services will be barred as a result thereof

13 3 All the above arguments are based on fairly sound reasoning But these are also the arguments advanced by the ruling elite which is keen on preserving its privileges Therefore, like all such reasoning, it is based on partisan approach By the same token, while illuminating some immediate areas of concern it tends to ignore much larger issues of national importance

13.4 It is not at all our contention that by offering a few thousand jobs to OBC candidates we shall be able to make 52% of the Indian population as forward But we must recognise that an essential part of the battle against social backwardness is to be fought in the minds of the backward people In India Government service has always been looked upon as a symbol of prestige and power By increasing the representation of OBCs in Government services, we give them an immediate feeling of participation in the governance of this country When a backward class candidate becomes a Collector or a Superintendent of Police, the material benefits accruing from his position are limited to the members of his family only But the psychological spin off of this phenomenon is tremendous, the entire community of that backward class candidates feels socially elevated Even when no tangible benefits flow to the community at large, the feeling that now it has its "own man" in the "corridors of power" acts as morale booster

13 5 In a democratic set-up every individual and community has a legitimate right and aspiration to participate in ruling this country Any situation which results in a near-denial of this right to nearly 52% of the country's population needs to be urgently rectified

13 6 Apprehensions regarding drop in the quality of Government services owing to large scale induction of S C /S T and O B C candidates against reserved posts may be justified only up to a point But is it possible to maintain that all candidates selected on merit turn out to be honest, efficient, hard-working and dedicated ? At present, top echelons of all the Government services are manned predominantly by open competition candidates and if the performance of our bureaucracy is any indication, it has not exactly covered itself with glory Of course, this does not imply that candidates selected against reserved posts will do better Chances are that owing to their social and cultural handicaps they may be generally a shade less competent But, on the other hand, they will have the great advantage of possessing first hand knowledge of the sufferings and problems of the backward sections of society This is not a small asset for field workers and policy makers even at the highest level

13 7 It is no doubt true that the major benefits of reservation and other welfare measures for Other Backward Classes will be cornered by the more advanced sections of the backward communities But is not this a universal phenomenon ? All reformist remedies have to contend with a slow recovery along the hierarchical gradient, there are no quantum jumps in social reform Moreover, human nature being what it is, a "new class" ultimately does emerge even in classless societies The chief merit of reservation is not that it will introduce egalitarianism amongst OBCs when the rest of the Indian society is seized by all sorts of inequalities But reservation will certainly erode the hold of higher castes on the services and enable OBCs in general to have a sense of participation in running the affairs of their country

13 8 It is certainly true that reservation for OBCs will cause a lot of heart burning to others But should the mere fact of this heart burning be allowed to operate as a moral veto against social reform A lot of heart burning was caused to the British when they left India It burns the hearts of all whites when the black

protest against apartheid in South Africa When the higher castes constituting less than 20% of the country's population subjected the rest to all manner of social injustice, it must have caused a lot of heart burning to the lower castes But now that the lower castes are asking for a modest share of the national cake of power and prestige, a chorus of alarm is being raised on the plea that this will cause heart burning to the ruling elite Of all the spacious arguments advanced against reservation for backward classes, there is none which beats this one about 'heart-burning' in sheer sophistry

13 9 In fact the Hindu society has always operated a very rigorous scheme of reservation, which was internalised through caste system Eklivya lost his thumb and Shambhuk his neck for their breach of caste rules of reservation The present furore against reservations for OBCs is not aimed at the principle itself, but against the new class of beneficiaries, as they are now clamouring for a share of the opportunities which were all along monopolised by the higher castes

Quantum and Scheme of Reservations

13 10 Scheduled Castes and Scheduled Tribes constitute 22 5% of the country's population Accordingly, a *pro-rata* reservation of 22 5% has been made for them in all services and public sector undertakings under the Central Government In the States also, *reservation for SCs and STs is directly proportional* to their population in each State

13 11 As stated in the last Chapter (para 12 22) the population of OBCs, both Hindu and non-Hindu, is around 52% of the total population of India Accordingly, 52% of all posts under the Central Government should be reserved for them But this provision may go against the law laid down in a number of Supreme Court judgements wherein it has been held that the total quantum of reservation under Articles 15(4) and 16(4) of the Constitution should be below 50% In view of this the proposed reservation for OBCs would have to be pegged at a figure which, when added to 22 5% for SCs and STs, remains below 50% In view of this legal constraint, the Commission is obliged to recommend a reservation of 27% only, even though their population is almost twice this figure

13 12 States which have already introduced reservation for OBCs exceeding 27%, will remain unaffected by this recommendation

13 13 With the above general recommendation regarding the quantum of reservation, the Commission proposes the following over-all scheme of reservation for OBCs —

(1) Candidates belonging to OBCs recruited on the basis of merit in an open competition should not be adjusted against their reservation quota of 27%

(2) The above reservation should also be made applicable to promotion quota at all levels

(3) Reserved quota remaining unfilled should be carried forward for a period of three years and dereserved thereafter

(4) Relaxation in the upper age limit for direct recruitment should be extended to the candidates of OBCs in the same manner as done in the case of SCs and STs.

(5) A roster system for each category of posts should be adopted by the concerned authorities in the same manner as presently done in respect of SC and ST candidates

13 14 The above scheme of reservation in its *toto* should also be made applicable to all recruitment to public sector undertakings both under the Central and State Governments, as also to nationalised banks

13 15 All private sector undertakings which have received financial assistance from the Government in one form or the other should also be obliged to recruit personnel on the aforesaid basis

13 16 All universities and affiliated colleges should also be covered by the above scheme of reservation.

13 17 To give proper effect to these recommendations, it is imperative that adequate statutory provisions are made by the Government to amend the existing enactments, rules, procedures, etc to the extent they are not in consonance with the same

Educational Concessions

13 18 Our educational system is elitist in character, results in a high degree of wastage and is least suited to the requirements of an over-populated and developing country It is a legacy of the British rule which was severely criticised during the independence struggle, and yet, it has not undergone any structural changes Though it is least suited to the needs of backward classes, yet, they are forced to run the rat-race with others as no options are available to them As 'educational reform' was not within the terms of reference of this Commission, we are also forced to trend the beaten track and suggest only the palliative measure within the existing framework

13 19 Various State Governments are giving a number of educational concessions to Other Backward Class students (Chapter IX, paras 9 30—9 33) like exemption of tuition fees, free supply of books and clothes, mid-day meals, special hostel facilities, stipends, etc These concessions are all right as far as they go But they do not go far enough What is required is, perhaps, not so much the provision of additional funds as the framing of integrated schemes for creating the proper environment and incentives for serious and purposeful studies

13 20It is well known that most backward class children are irregular and indifferent students and their drop-out rate is very high There are two main reasons for this First, these children are brought up in a climate of extreme social and cultural deprivation and, consequently, a proper motivation for schooling is generally lacking Secondly, most of these

children come from very poor homes and their parents are forced to press them into doing small chores from a very young age

13 21 Upgrading the cultural environment is a very slow process Transferring these children to an artificially upgraded environment is beyond the present resources of the country In view of this it is recommended that this problem may be tackled on a limited and selective basis on two fronts

13 22 First, an intensive and time bound programme for adult education should be launched in selected pockets with high concentration of OBC population This is a basic motivational approach, as only properly motivated parents will take serious interest in educating their children Secondly, residential schools should be set up in these areas for backward class students to provide a climate specially conducive to serious studies All facilities in these schools including board and lodging, will have to be provided free of cost to attract students from poor and backward homes, separate Government Hostels for OBC students with the above facilities will be another step in the right direction

13 23 A beginning on both these fronts will have to be made on a limited scale and selective basis But the scope of these activities should be expanded as fast as the resources permit Adult education programme and residential schools started on a selective basis will operate as growing-points of conciousness for the entire community and their multiplier effect is bound to be substantial Whereas several States are extended a number of ad hoc concessions to backward class students, few serious attempts have been made to integrate these facilities into a comprehensive scheme for a qualitative upgradation of educational environment available to OBC students

13 24 After all, education is the best catalyst of change and educating the backward classes is the surest way to improve their self image and raise their social status As OBCs cannot afford the high wastage rates of our educational system, it is very important that their education is highly biased in favour of vocational training After all reservation in services will absorb only a very small percentage of the educated backward classes and the rest should be suitably equipped with vocational skills to enable them to get a return on having invested several years in education

13 25 It is also obvious that even if all the above facilities are given to OBC students, they will not be able to compete on an equal footing with others in securing admission to technical and professional institutions In view of this it is recommended that seats should be reserved for OBC students in all scientific, technical and professional institutions run by the Central as well as State Governments This reservation will fall under Article 15(4) of the Constitution and the quantum of reservation should be the same as in the Government services, i e , 27% Those States which have already reserved more than 27% seats for OBC students will remain unaffected by this recommendation.

13 26 While implementing the provision for reservation it should also be ensured that the candidates who are admitted against the reserved quota are enabled to derive full benefit of higher studies It has been generally noticed that these OBC students coming from an impoverished caltural background, are not able to keep abreast with other students It is, therefore, very essential that special coaching facilities are arranged for all such students in our technical and professional institutions The concerned authorities should clearly appreciate that their job is not finished once candidates against reserved quota have been admitted to various institutions In fact the real task starts only after that Unless adequate follow-up action is taken to give special coaching assistance to these students, not only these young people will feel frustrated and humiliated but the country will also be landed with ill-equipped and sub-standard engineers, doctors and other professionals

Financial Assistance

13 27 Vocational communities following hereditary occupations have suffered heavily as a result of industrialisation Mechanical production and introduction of synthetic materials has robbed the village potter, oil crusher, black-smith, carpenter, etc of their traditional means of livelihood and the pauperisation of these classes is a well known phenomenon in the country-side

13 28 It has, therefore become very necessary that suitable institutional finance and technical assistance is made available to such members of village vocational communities who want to set up small scale industries on their own Similar assistance should also be provided to those promising OBC candidates who have obtained special vocational training

13 29 Of course, most State Governments have created various financial and technical agencies for the promotion of small and medium scale industries But it is well known that only the more influential members of the community are able to derive benefits from these agencies In view of this, it is very essential that separate financial institutions for providing financial and technical assistance are established for the backward classes Some State Governments like Karnataka and Andhra Pradesh have already set up separate financial corporations etc for OBCs

13 30 Cooperative Societies of occupational groups will also help a lot But due care should be taken that all the office-bearers and members of such societies belong to the concerned hereditory occupational groups and outsiders are not allowed to exploit them by infiltrating into such cooperatives

13 31 The share of OBCs in the industrial and business life of the country is negligible and this partly explains their extremely low income levels As a part of its overall strategy to uplift the backward classes, it is imperative that all State Governments are suitably advised and encouraged to create a separate network of financial and technical institutions to foster business and industrial enterprise among OBCs

Structural Changes

13 32 Reservations in Government employment and educational institutions, as also all possible financial assistance will remain mere palliatives unless the problem of backwardness is tackled at its root Bulk of the small land-holders, tenants, agricultural labour, impoverished village artisans, unskilled workers, etc belong to Scheduled Castes, Scheduled Tribes and Other Backward Classes "Apart from social traditions, the dominance by the top peasantry is exercised through recourse to informal bondage which arises mainly through money-lending, leasing out of small bits of land and providing house-sites and dwelling space to poor peasants As most of the functionaries of Government are drawn from the top peasantry, the class and caste linkage between the functionaries of Government and the top peasantry remain firm This also tills the socio-political balance in favour of the top peasantry and helps it in having its dominance over others "*

13 33 The net outcome of the above situation is that notwithstanding their numerical preponderance, backward classes continue to remain in mental and material bondage of the higher castes and rich peasantry Consequently, despite constituting nearly 3/4th of the country's population, Scheduled Castes, Scheduled Tribes and Other Backward Classes have been able to acquire a very limited political clout, even though adult franchise was introduced more than three decades back Through their literal monopoly of means of production of higher castes are able to manipulate and coerce the backward classes into acting against their own interests In view of this, until the stranglehold of the existing production relations is broken through radical land reforms, the abject dependence of under privileged classes on the dominant higher castes will continue indefinitely In fact there is already a sizeable volume of legislation on the statute books to abolish zamindari, place ceilings on land holdings and distribute land to the landless But in actual practice its implementation has been halting, half-hearted and superficial The States like Karnataka, Kerala and West Bengal which have gone about the job more earneastly have not only succeeded in materially helping the Backward classes, but also reaped rich political dividends into the bargain

13.34 It is the Commission's firm conviction that a radical transformation of the existing production relations is the most important single step that can be taken for the welfare and upliftment of all backward classes Even if this is not possible in the industrial sector for variuos reasons, in the agricultural sector a change of this nature is both feasible and overdue

13 35 The Commission, therefore, strongly recommends that all the State Governments should be directed to enact and implement progressive land legisfation so as to effect basic structural changes in the existing production relations in the countryside.

*Rising Middle Pesantry in North India by Pradhan M Prasad Economic & Political Weekly, Annual Number 1980

13 36 At present surplus land is being allotted to SCs and STs A part of the surplus land becoming available in future as a result of the operation of land ceiling laws etc should also be allotted to be OBC landless labour

Miscellaneous

13 37 (1) Certain sections of some occupational communities like Fishermen, Banjaras, Bansforas, Khatwes etc still suffer from the stigma of untouchability in some parts of the country They have been listed as O B Cs by the Commission, but their inclusion in the lists of Scheduled Castes/Scheduled Tribes may be considered by the Government

(2) Backward Classes Development Corporations should be set up both at the Central and State levels to implement various socio-educational and economic measures for their advancement

(3) A separate Ministry/Department for O B Cs at the Centre and the States should be created to safeguard their interests

(4) With a view to giving better representation to certain very backward sections of O B Cs like the Gaddis in Himachal Pradesh, Neo-Buddhists in Maharashtra, Fishermen in the Coastal areas, Gujjars in J&K ; it is recommended that areas of their concentration may be carved out into separate constituencies at the time of delimitation

Central Assistance

13 38 At present no Central Assistance is available to any State Government for implementing any welfare measures for Other Backward Classes The 18 States and Union Territories which have undertaken such measures have to provide funds from their own resources During the Commission's tours practically every State Government pointed out that unless the Centre is prepared to liberally finance all special schemes for the upliftment of OBCs, it will be beyond the available resources of the States to undertake any worthwhile programme for the benefit of Other Backward Classes

13 39 The Commission fully shares the views of the State Governments in this matter and strongly recommends that all development programmes specially designed for Other Backward Classes should be financed by the Central Government in the same manner and to the same extent as done in the case of Scheduled Castes and Scheduled Tribes

13 40 Regarding the period of operation of the Commission's recommendations, the entire scheme should be reviewed after twenty years We have advisedly suggested this span of one generation, as the raising of social consciousness is a generational progress Any review at a shorter interval would be rather arbitration and will not give a fair indication of the impact of our recommendations on the prevailing status and life-styles of O B Cs

CHAPTER XIV

SUMMARY OF THE REPORT

Chapter I—The First Backward Classes Commission

The First Backward Classes Commission was set up on January 29th, 1953 and it submitted its report on March 31st, 1955 On the basis of criteria evolved by it, the Commission listed 2,399 castes as socially and educationally backward It recommended various welfare measures for OBCs including reservation in Government services and educational institutions

The Central Government did not accept the recommendations of the Commission on the ground that it had not applied any objective tests for identifying Backward Classes. Five out of the 11 Members of the Commission had given notes of dissent The Government felt that the Commission had classified a very large section of the population as backward and if special assistance had to be extended to all these people, "the really needy will be swapped by the multitude" The Government was also opposed to the adoption of caste as one of the criterion for backwardness and preferred the application of economic tests

As Article 340 of the Constitution speaks of "socially and educationally backward classes" the application of 'economic tests' for their identification seems to be misconceived.

Chapter II—Status of OBCs in Some States

It is for nearly 100 years that Provincial Governments in India have been implementing special programmes for the welfare of depressed and backward classes Madras Government took the lead by framing Grant-in Aid Code in 1885 to regulate financial aid. to educational institutions for backward classes students Mysore State was the next to follow and, by now, all the Southern States are implementing fairly comprehensive programmes for OBCs As on date 16 States and 2 Union Territories are providing special assistance of varying degrees to Other Backward Classes Ten State Governments are doing so on the basis of recommendations made by Backward Classes Commission specially set up by them in this behalf and the others are doing in an *ad hoc* manner

Special concessions like reservation of jobs in Government employment and seats in educational institutions, financial assistance, subsidised educational facilities, etc are being given by several State Governments to OBCs Southern States have done much more work in this connection as compared to the rest of the country Karnataka has reserved 48% of all Government jobs for OBC candidates in addition to 18% for SCs and STs In the case of Tamil Nadu, these figures stand 50% and 18% respectively

Chapter III—Methodology and Data Base

One serious defect noticed by the Government in the report of first Backward Classes Commission was that it had not formulated any objective criteria for classifying Other Backward Classes The need for field surveys and formulation of objective tests has also been repeatedly emphasised by the Supreme Court in several cases In view of this, the Commission has taken special care to tap a number of independent sources for the collection of primary data Some of the important measures taken in this connection were seminar of sociologists on social backwardness, issue of three sets of questionnaires to State Governments Central Government and the public, extensive touring of the country by the Commission, taking evidence of legislators, eminent publicmen, sociologists, etc , undertaking a country-wide socio-educational survey, preparation of reports on some important issues by specialised agencies, analysis of census data, etc , etc

By adopting this multilateral approach the Commission was able to cast its net far and wide and prepared a very firm and dependable data base for its Report

Chapter IV—Social Backwardness and Caste

Castes are the building bricks of the Hindu social structure They have kept Hindu society divided in a hierarchical order for centuries This has resulted in a close linkage between the caste ranking of a person and his social, educational and economic status

This manner of stratification of society gave the higher castes deep-rooted vested interests in the perpetuation of the system The priestly castes evolved an elaborate and subtle scheme of scripture, ritual and mythology and perpetuate their supremacy and, hold the lower castes in bondage for ages Most of our Shastras uphold the four-fold Varna system and, because of this religious sanction, caste system has lasted longer than most other social institutions based on inequality and inequity

In view of the permanent stratification of society in hierarchical caste order, members of lower castes have always suffered from discrimination in all walks of life and this has resulted in their social, educational and economic backwardness In India, therefore, the low ritual caste status of a person has a direct bearing on his social backwardness

Chapter V—Social Dynamics of Castes

Caste system has been able to survive over the centuries because of its inherent resilience and its ability to adjust itself to the ever changing social reality The traditional view of caste system, as contained in Chapter IV, is based more on Hindu Shastras than the actual state of social reality Moreover, caste restrictions have loosened considerably as a result of the rule of law introduced by the British, urbanisation, industrialisation, spread of mass education and, above all, the introduction of adult franchise after independence But all the above changes mark only shift of emphasis and not any material alteration in the basic structure of caste

It is generally agreed that whereas certain caste taboos have weakened as a result of the above changes, the importance of casteism in Indian politics is on the increase This perhaps, was inevitable Caste system provided the political leadership with readymade channels of communication and mobilisation and, in view of this, the importance of caste was bound to increase in Indian politics As Rajni Kothari has observed, "those in India who complain of 'casteism' in politics are realy looking for a sort of politics which has no basis in society"

The pace of social mobility is no doubt increasing and some traditional features of caste system have inevitably weakened But what caste has lost on the ritual front, it has more than gained on the political front In view of this it will be unrealistic to assume that the institution of caste will wither away in the foreseeable future

Chapter VI—Social Justice, Merit and Privilege

Equality before the law is a basic Fundamental Right guaranteed under Article 14 of the Constitution But the principle of 'equality' is a double edged weapon It places the strong and the handicapped on the same footing in the race of life It is a dictum of social justice that there is equality only among equals To treat unequals as equals is to perpetuate inequality The humaneness of a society is determined by the degree of protection it provides to its weaker, handicapped and less gifted members

'Equality of opportunity' and 'equality of treatment' places the weak and the strong on par and to that extent, it amounts to denial of social justice In fact, it is 'equality of results' which is the acid test of society's egalitarian pretentions In a highly unequal society like ours, it is only by giving special protection and privileges to the under-privileged section of society that we can enable the weak to resist exploitation by the strong

It was in view of these considerations that our Constitution makers made special provisions under Articles 15(4), 16(4) and 46 etc to protect the interests of SCs, STs and OBCs Some people consider provisions like reservation of posts for backward classes, etc, as a violation of their Fundamental Right and denial of meritorious person's legitimate due. In fact, 'merit' itself is largely a product of favourable environmental privileges and higher rating in an examination does not necessarily reflect higher intrinsic worth of the examinee Children of socially and educationally backward parents coming from rural background cannot complete on an aqual footing with children from well to do homes In view of this 'merit' and 'equality' should be viewed in proper perspective and the element of privilege should be duly recognised and discounted for when 'unequals' are made to run the same rate

Chapter VII—Social Justice, Constitution and the Law

The element of conflict between the Fundamental Rights and the Directive Principles of State Policy has been the subject matter of numerous Parliamentary debates and judicial pronouncements In pursuance of Articles 15(4) and 16(4) a number of State Governments made reservations in Government services and educational institutions for OBCs and several petitons were filed before the High Courts and the Supreme Court against such orders Gradually in sizeable body of case law has grown on the subject and a gist of it is given below

Caste is an important factor in the identification of Other Backward Classes among Hindu communities Backwardness must be both social and educational and not either social or educationals Caste is also a class of citizens and if the caste as a whole is socially and educationally backward, reservation can be made in favour of such a caste on the ground that it is a socially and educationally backward class of citizens within the meaning of Article 15(4) The further division of backward classes into 'backward' and 'most backward' is not warranted by Article 15(5) The aggregate reservation of posts under Article 15(4) should be less that 50% Objective criteria should be evolved on the basis of field survey, etc, for identifying OBCs

Chapter VIII—North South Comparison of OBC Welfare

Southern States have done much more for the welfare of Other Backward Classes than Northern States Moreover, in the South the whole operation was conducted quite smoothly whereas in the North even modest welfare measures for OBCs have given rise to sharp resistance The Commission approached Tata Institute of Social Sciences, Bombay, to prepare a comparative study of the 4 States of Tamil Nadu, Karnataka, Bihar and Uttar Pradesh, so as to have better appreciation of this phenomenon

Tata Institute Study formulated a number of hypotheses in this regard They are Reservation scheme had a much longer history in the South, forward castes were more divided among themselves in the South; OBCs were not getting along very well with SCs/STs in the North and thus divided the backward classes movement, backward classes were more politicised in the South, reservation scheme was introduced too suddenly in the North, the capacity of backward classes to retaliate depends upon their numbers, political consciousness, dominance and perceived lack of alternative

opportunities, more rapid expansion of tertiary sector gave opening to forward castes in the South which was not available to the same extent in the North, etc.

Tata Institute Study supports the above hypotheses by citing a number of examples and historical developments in the 4 States under consideration

Chapter IX—Evidence by Central and State Governments

Two sets of questionnaires were circulated to all State Governments, Union Territories and Ministries and Departments of Central Government for eliciting information on various aspects of our inquiry These questionnaires were designed to obtain a comparative picture of status of backward classes in various States, steps taken for their welfare, views of various Government agencies on the question of social and educational backwardness and any useful suggestions regarding the Commission's terms of reference

Most of the State Governments favoured caste as an important criteria for determining social and educational backwardness Some States preferred economic criteria and some a combination of caste and means-test. Eighteen State Governments and Union Territories have taken special steps for the welfare of Other Backward Classes, though there is wide variation in the quantum of assistance provided by them For instance, reservation in Government services for OBCs ranges from 50% in the case of Karnataka and Tamil Nadu and 5% in Punjab and nil in the case of Rajasthan, Orissa, Delhi, etc Representation of OBCs in local bodies, State Public Service Commissions, High Courts, etc, is also negligible Social discrimination is still practised against OBCs There are a number of castes and communities which are treated as untouchables though they have not been included in the list of Scheduled Castes All the State Governments which have launched programmes for the welfare of backward classes have to fund the same from their own resources as no separate Plan allocation is made by the Centre for this purpose.

Most States have reported loss of employment by village artisans owing to the introduction of machines, change in consumption patterns, etc

From the information supplied by the Central Government Ministries and Departments it is seen that Other Backward Classes constitute 12 55% of the total number of Government employees, whereas their aggregate population is 52% Their representation in Class I jobs is only 4 69%, *i e*, less than 1/10th of their proportion to the country's total population

Chapter X—Evidence by the Public

Nearly 2/3rd of the respondents to our questionnaire for General Public felt that no material changes have taken place in the country's caste structure since Independence Regarding criterion for identifying backwardness, nearly 3/4th of the respondents favoured caste More than 3/4th of the respondents also complained of various disabilities suffered by backward classes and many felt that no concrete steps have been taken to remove them They wanted job reservation quotas to be enhanced and more educational concessions to be given to the children of OBC Ameliorative measures suggested for OBCs were reservation in Government employment and educational institutions, grant of interest free loans, free distribution of agricultural land and house sites, etc

In their evidence before the Commission, Members of Sixth and Seventh Lok Sabha also expressed views similar to those summarised above Some MPs warned against malicious propaganda being carried on by vested interests to create conflict between OBCs and SCs and STs Some stated that the Commission should adopt those criteria for determining backwardness which have been tested before the Courts They also suggested that the lists of OBCs prepared by State Governments and accepted by the courts should be adopted by the Commission *in toto*

During the Commission's tour to various States, a large number of representations were received for including particular castes in the list of OBCs Most of the other respondents expressed similar views on the criteria for identifying backward classes and measures to be taken for their upliftment as already indicated above.

Chapter XI—Socio-Educational Field Survey—Criteria for Backwardness

A country-wide socio-educational survey covering 405 out of 407 Districts was conducted with the help of Bureau of Economics and Statistics of various states from February to June, 1980 Voluminous data gathered from the Survey was computersied and 31 primary tables were generated from this data in respect of each State and Union Territory On the basis of these tables, 11 Indicators or Criteria for social and educational backwardness were derived and they were grouped under 3 broad heads, *i e.*, Social Educational and Economic In view of their relative importance, 3 points were assigned to each one of the Social Indicators, 2 to Educational Indicators and 1 to Economic Indicators This added upto a total score of 22 points All these 11 indicators were applied to each one of the castes covered by the Survey in each State Castes obtaining a minimum scope of 11 points on this scale were listed as socially and educationally backward

Chapter XII— Identification of OBCs

A large number of castes were identified as backward in each State as a result of the Socio-Educational Survey As this Survey covered only 2 villages and one urban block per District, a large number of Castes were naturally left out Moreover, in some cases, the size of the sample was so small that the results were not dependable

In view of this, two supplementary approaches were adopted to prepare complete lists of OBCs for each State First, State-wise list of the 11 groups of primitive tribes, exterior castes, criminal tribes, etc contained in the Registrar General of India's compilation of 1961 were culled and included in the Commission's

lists or OBCs This was done as the social and educational status of these castes and communities was more or less akin to Scheduled Castes and Scheduled Tribes Secondly, based on the public evidence and personal knowledge of the Members of the Commission, State wise list of those OBCs were drawn up which could not be covered by the socio-educational survey

It was as a result of this three pronged approach that State lists of OBCs (Volume-III) were prepared

From the results of the field survey it was seen that some of the well-known OBCs which were also included in the lists of backward classes notified by various State Governments were not ranked as 'backward' in the survey This is unavoidable in any sociological survey based on Statistical methods Such aberrations were corrected in the light of the other field evidence available with the Commission

The set of eleven Indicators (creteria), being caste-based, could not be applied to non-Hindu communities In view of this, a separate set of 3 criteria was evolved for the identification of non-Hindu backward communities

On the basis of the available census data, the population of Hindu and non-Hindu OBCs was estimated to be 52% of the total population of India This is in addition to the population of Scheduled Castes and Scheduled Tribes which amounts to 22 5%

Chapter XIII—Recommendations

Reservation for SCs and STs is in proportion to their population, *i e*, 22 5%. But as there is a legal obligation to keep reservations under Articles 15(4) and 16(4) of the Constitution below 50%, the Commission recommends a reservation of 27% for OBCs This reservation should apply to all Government services as well as technical and professional institutions, both in the Centre and the States

Special educational facilities designed at upgrading the cultural environment of the students should be created in a phased manner in selected areas containing high concentration of OBCs Special emphasis should be placed on vocational training Separate coaching facilities should be provided in technical and professional institutions to OBC students to enable them to catch up with students from open quota

Special programmes for upgrading the skills of village artisans should be prepared and subsidised loans from financial institutions granted to them for setting up small scale industries To promote the participation of OBCs in the industrial and business life of the country, a separate net-work of financial and technical institutions should be created by all State Governments.

Under the existing scheme of production-relations, Backward Classes comprising mainly small land holders, tenants, agricultural labour, village artisans, etc , are heavily dependent on the rich peasantry for their sustenance In view of this, OBCs continue to remain in mental and material bondage of the dominant castes and classes Unless these production-relations are radically altered through structural changes and progressive land reforms implemented rigorously all over the country, OBCs will never become truly independent In view of this, highest priority should be given to radical land reforms by all the States

At present no Central asistance is available to any State for implementing any welfare measures for Other Backward Classes Several State Governments expressed their helplessness in undertaking more purposeful development programmes for backward classes in view of lack of resources It is, therefore recommended that welfare programmes specially designed for OBC should be financed by the Central Government in the same manner and to the same extent as done in the case of SCs and STs

Sd/-
(BINDHYESHWARI PRASAD MANDAL)

Sd/-
(R R BHOLE)

Sd/-
(DIWAN MOHAN LALL)

Sd/-
(K SUBRAMANIAM)

Sd/-
(L R NAIK)
(Subject to my minute of dissent)

Vol. II
Composition and Terms of Reference of The First Backward Classes Commission

APPENDIX—I

COMPOSITION AND TERMS OF REFERENCE OF THE FIRST BACKWARD CLASSES COMMISSION

Composition

1 Shri Kakasaheb Kalelkar, M P Chairman

2. Shri Narrayan Sadoba Kajrolkar, M P

3 Shri Bheekha Bhai, M.P

4 Shri Shivdayal Singh Chaurasia

5 Shri Rajeshwar Patel. M P

6 Shri Abdul Qaiyum Ansari, M L A (Bihar)

7 Shri T Mariappa. M L.A (Mysore)

8 Lala Jagannath

9 Shri Atma Singh Namdhari M P

10 Shri N R M Swamy M P

11 Shri Arunangshu De (Member-Secretary)

Terms of Reference

The Backward Classes Commission shall—

(*a*) determine the criteria to be adopted in considering whether any sections of the people in the territory of India (in addition to the Scheduled Castes and Scheduled Tribes specified by notifications issued under Articles 341 and 342 of the Constitution) should be treated as Socially and educationally backward classes and, in accordance with such criteria, prepare a list of such classes setting out also their approximate numbers and their territorial distribution,

(*b*) investigate the conditions of all such socially and educationally backward classes and the difficulties under which they labour,

and make recommendations—

(*i*) as to the steps that should be taken by the Union or any State to remove such difficulties or to improve their condition, and

(*ii*) as to the grants that should be made for the purpose by the Union or any State and the conditions subject to which such grants should be made,

(*c*) investigate such other matters as the President may hereafter refer to them, and

(*d*) present to the President a report setting out the facts as found by them and making such recommendations as they think proper

The Commission may—

(*a*) obtain such information as they may consider necessary or relevant for their purpose in such form and such manner as they may think appropriate, from the Central Government, the State Governments and such other authorities, organizations or individuals as may, in the opinion of the Commission, be of assistance to them,

(*b*) hold their sittings or the sittings of such sub-committees as they may appoint from amongst their own members at such authority of the Chairman and

(*c*) visit or depute a sub-committee of theirs to visit such parts of the territory of India as they consider necessary or convenient

APPENDIX—II

QUESTIONNAIRE FOR STATE GOVERNMENTS/UNION TERRITORIES

NOTE:

(a) Unless otherwise specified, Scheduled Castes and Scheduled Tribes should be excluded while furnishing information about Other Backward Classes (OBCs)

(b) Replies should be brief and specific Generalizations may be avoided

(c) Statistics may be given, wherever possible

(d) A separate sheet may be used for each question so as to facilitate compilation work in the office of the Commission. Only question number may be indicated in the top left hand margin of the sheet and the whole question need not be reproduced

CRITERIA

1 Has your State Government recognised and identified 'Other Backward Classes' as a separate entity ?

2 If so, what are the criteria adopted for doing so ?

3 What should be the objective and specific criteria for determining

(a) Social backwardness, and

(b) Educational backwardness

4 Could caste be made a criterion for identifying backwardness ?

Please give reasons for your answer

5 Caste being peculiar to the Hindu Communities, what criteria should be adopted to determine social and educational backwardness of the non-Hindu communities ?

6 Can you suggest any other positive and workable criteria for determining backwardness ?

If so, please spell it out

7 In the context of other Backward Classes, the Constitution refers to social and educational backwardness only Economic backwardness as a criteria has been advisedly left out. What are the views of your State Government on this issue ?

II SAFEGURDS, RESERVATION ETC

8 Please give the following particulars regarding the members elected to both Houses of the Parliament and the State Legislature(s) from your State in the last three general elections

	Lok Sabha	Rajya Sabha	State Legislature(s)
(1) Total number of Members			
(2) No of members belonging to SCs and STs			
(3) No of members belonging to OBCs			

9 Please give a complete list of Chief Ministers of your State since independence to date and indicate the 'varna' (i e Brahmin, Kshatriya, Vaishya or Sudra) against each name.

10 What is the total number and percentage of elected members of OBCs in the various local bodies of the State ? (If figures down to the village level are not readily available, please go as far below the district level as possible Figure for each level may be given separately)

11 Please furnish the following information about village headmen/mukhias and serpanchas in your State

	Total number	No belonging to SCs & STs	No belonging to OBCs
(1) Village headmen/mukhias			
(2) Sarpanchas of Gram Panchayats			
(3) Sarpanchas of Nayaya Panchayats			

12 Has your State Govt. fixed any specific quota of posts in the public services for other Backward Classes and Scheduled Castes and Scheduled Tribes ? If so, please give information in the following table

Employer	Gazetted		Non-Gazetted other than Class IV		Class IV	
	OBC	SC&ST	OBC	SC&ST	OBC	SC &ST
(1) State Govt.						
(2) Local Bodies						
(3) Undertakings						

NOTE For Local Bodies and public undertakings, please give the equivalent of gazetted and non-gazetted posts.

13 What is the total number of vacancies that normally arise every year under the above three categories ?

14. In case your State Government has adopted a policy of job reservation for Other Backward Classes, are these further sub-divided into "Backward" and "More Backward" Classes ?

If the answer is 'Yes', please give the basis for doing so

15 When was job reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes first introduced in your State ?

16 (a) Is the reserved quota of jobs fully utilised by the candidates of Other Backward Classes ?

(b) Please give latest available figures of number of posts reserved and actually filled by OBC candidates in all the three grades mentioned in Q No 12 for three consecutive years

17 In the open selection of candidates for any category of posts, some OBC candidates are also likely to be selected on the basis of merit alone Are the number of posts thus filled by Other Backward Classes candidates i e on the basis of individual merit, subtracted from the quota of posts specially reserved for candidates of Other Backward Classes ?

18 In case the quota reserved for OBC candidates is not fully utilised by the members of Other Backward Classes in a particular year, how does your State Government treat the unutilised quota ?

19 Does the reservation of jobs for OBCs bear any relation to the population of OBCs *vis-a-vis* the total population of the State ? If not, please give reasons.

20 Is reservation of posts for Other Backward Classes and Scheduled Castes & Scheduled Tribes necessary and equitable ?

If so, what should be the basis for determining quotas of reserved posts ?

21 What percentage of the total population of the State do the upper three caste group of (i e Brahmin, Kshatriya and Vaishya) constitute ?

(b) What percentage of the total number of gazetted posts in the State are held by persons belonging to these three caste groups ? Please give separate figures for each group

22. Have any decisions regarding job reservation for OBCs been challenged before any judicial forum ?

If so, what was the outcome of such challenges ? Please also enclose copies of the concerned judgements

23 What specific steps should be taken to enhance the representation of OBCs under various categories of public services ?

24 (*a*) Please furnish the following information

	Total number	No belonging to Scs & STs	No belonging to OBSES
(1) State public service Commission (Chairman and Members only)			
(2) High Court Judges			
(3) District & Sessions Judges			
(4) Collectors/District Magistrates			
(5) Secretaries to Govt.			
(6) Heads of Departments			

(*b*) Please also indicate if the Chairman of the state public Service Commission or the Chief Justice of the High Court belong to Scheduled Caste & Scheduled Tribe or Other Backward Class ,

III CENSUS

25. Please indicate

	As per 1931 Census	As per latest estimate
(1) Population of your State		
(2) Population of SCs & STs		
(3) Population of OBCs		

26 A list of Other Backward Classes prepared by the previous Backward Classes Commission appointed in 1953 is enclosed (*Annexure I*)

(*a*) *Does it tally with the list prepared by your State ?*

(*b*) If not, please indicate the OBCs included in your State list but omitted from the list prepared by the earlier Backward Classes Commission and *vice varsa*

(*c*) Please also give reasons for your State Government not following the list prepared by the previous backward Classes Commission

27 Has a separate list been prepared for the backward communities of non-Hindus ?

If so, please give the basis for doing so

28 Please give the approximate population figures of each caste/class group of Other Backward Classes included in the list prepared by your State Government and the manner in which these figures have been arrived at

29 In case your State Government has prepared no such list please give the approximate population figures of the caste/class groups including in the enclosed list of OBCs (Annexure I).

30 Which are the advanced caste/class groups of your State ?

31 Does your list of advanced caste/class groups tally with that prepared by the previous Backward Classes Commission (This list will be sent later)

32 Please give a list of ex-criminals or Denotified Tribes living in your State along with the approximate population of each tribe

IV SOCIAL

33 What are the social, civil and religious disabilities which other backward classes suffer in your State ?

34 What are the concrete measures taken by the State Government to remove these disabilities ?

35 To what extent have these measures succeeded in removing these disabilities ?

36 Are there any non-scheduled Castes in your State which are treated as untouchables ?

37 Are there any caste groups from the upper three 'Varnas' (i e. Brahmans, Kshatriyas and Vaishyas) in your State which belong to Other Backward Classes ?

38 Are there any caste groups in your state which neither belong to the upper three Varnas', nor to Scheduled Castes and Scheduled Tribes nor to Other Backward Classes ?

If so please give a list along with their population figures

39 (*a*) Does the Hindu segment of landless agricultural labour comprise entirely of Scheduled Castes, Scheduled Tribes and Other Backward Classes

(*b*) If not, please give a list of the excluded castes/classes along with their population figures

40 Which are the *dominant cestes* of your state ?

Please furnish a list along with their approximate population figures

Also, please give your definition of "dominant caste"

41 Are the Scheduled Castes and Other Backward Classes generally found to be living in the same Area ?

42. Which areas of your State have a high concentration of Other Backward Classes ?

43. (*a*) What percentage of the population of your State lives below the "poverty line"?

(*b*) What proportion of such population is comprised of Scheduled Castes, Scheduled Tribes and Other Backward Classes?

44. What has your State Government done for the rehabilitation of Denotified (ex-criminal) Tribes?

Please give their list along with approximate population figures.

V. EDUCATIONAL

45. Please give the percentage of literacy, separately for males and females, among the following as per the Census of 1951, 1961 and 1971:—

(*a*) General literacy;

(*b*) Literacy among Scheduled Castes and Scheduled Tribes;

(*c*) Literacy amongst "Other Backward Classes".

46. Amongst OBC literates, how many are:—

(*a*) Primary pass;

(*b*) Matriculation/Higher Secondary pass;

(*c*) Graduates; and

(*d*) Technically qualified.

47. What special measures have been taken by the State Government to promote literacy amongst Other Backward Classes?

48. Are the Children belonging to Other Backward Classes given any special educational stipend, etc.?

If so, please give particulars.

49. Has the State Government set up any educational institutions specially for the children of Other Backward Classes?

If so, please give particulars.

50. Has the State Government reserved any seats in technical institutions for the children of Other Backward Classes?

If so, what percentages?

51 Has the State Government launched any adult literacy programme for Other Backward Classes?

If so, what percentage of OBC adults has been covered under this programme?

52. (*a*) How many university, degree college, secondary education boards, intermediate education boards, etc. are there in your States?

(*b*) Please *give separately* the representation of Other Backward Classes, Scheduled Castes and Scheduled Tribes and Advanced classes in all these bodies.

(*c*) Figures in respect of the teaching staff of various institutions may also please be given.

53. Are the students of Other Backward Classes given any concession for admission to colleges and technical institutions?

If so, please give details.

54. Have any specific quota or seats been reserved for the candidates of OBCs in colleges and technical institutions?

If so, please give details.

55. If reply to the above question is in the positive, are the reserved quotas reduced by the number of Backward Class students who are able to secure admission on the basis of merit?

56. (*a*) Have any separate hostels been constructed for the students of Other Backward Classes?

(*b*) What is the total residential capacity of these hostels?

(*c*) What percentage of this capacity is actually utilised by the students of Other Backward Classes?

57. Is any concession in respect of tuition fees extended to the students of OBCs?

Please give particulars.

58. Have any special promotional measures been taken by the State Government for the spread of education among girls belonging to Other Backward Classes?

Please give details.

59. Please give the following information about the student population of your state:—

	In schools	In colleges
(1) Total number of students		
(2) No. belonging to SCs & STs.		
(3) No. belonging to OBCs.		

VI. WELFARE

60. What percentage of the total stage budget spent for the advencement of Other Backward Classes *and* Scheduled Castes and Scheduled Tribes?

Please give allocations under various heads.

61. What Central Assistance is your State getting for the upliftment of Other Backward Classes under the plan and non-plan grants?

62. (*a*) Which Department is looking after the welfare of Other Backward Classes in your State?

(*b*) Which are the other official agencies engaged in this work?

63. Please give a list of all the active non-official and voluntary agencies working in your State for the welfare of Other Backward Classes.

64. Has your State Government set up a separate finance Corporation for Other Backward Classes in your State?

If not, please give reasons.

65. If yes, what is the pattern of assistance adopted by this Finance Corporation and what is the scope of its activities?

66. What is the extent of indebtedness among the occupational groups like fishermen, tanners, shephards and weavers etc. belonging to Other Backward C

67. Has your State Government appointed any special Commission or Committee to make recommendations for the welfare of Other Backward Classes ?

If so, when was its report submitted ?

Also, please give a brief description of its specific recommendation and the action taken by your State Government thereon.

68. Do Other Backward Classes in your State exercise their franchise freely and without any pressures from the dominant castes.

If not, please give details.

VII EMPLOYMENT

69 What are the main occupations of Other Backward Classes in your State?

Give approximate number of families dependent on each occupation.

70 What is the total number of landless agricultural labourers in your State ?

71 How many of these landless agricultural labourers belong to Other Backward Classes ?

72. What steps has the State Government taken to improve the lot of landless agricultural labour ?

73 What has been the impact of the 'Green Revolution' on the agricultural labourers of Other Backward Classes ?

74 If the impact of 'Green Revolution' is negligible, please give reasons for the same

75 How many and what percentage of the landless agricultural lobourers of OBCs have acquired tenancy or properietory rights in land as a result of land reforms

76 How many and what percentage of the landless agricultural labourers of OBCs have benefited from the distribution of surplus land ?

77 What are the approximate income levels of Other Backward Classes ?

78 How many members of Other Backward Classes are engaged in small scale, village and cottage industries and what percentage of the population of OBCs they constitute ?

79. Are there any castes/classes of OBCs which are neither landless agricultural labourers, nor marginal farmers, nor small artisans ?

If so, please give their list and approximate population figures.

80. Are there any castes/classes consisting of landless agricultural workers, or marginal farmers, or small artisans which neither belong to OBCs nor to Scheduled Castes and Scheduled Tribes ?

If so, please give their list, indicating the approximate population of each castes/classes.

81 (a) What is the incidence of prevalence of bonded labour in your State ?

(b) what concrete measures have been taken to abolish the practice of bonded labour ?

82. Are some sections of OBCs losing employment owing to shift in the pattern of economic activity in the villages ?

If so, which areas of employment are most seriously affected ?

83 What steps the State Government has taken to protect OBCs from exploitation by money-lenders ?

84 (a) What is the total number of unemployed persons registered with the employment exchanges of your State ?

(b) How many of these unemployed belong to—

(i) Scheduled Castes and Scheduled Tribes, and

(ii) Other Backward Classes ?

85 Please list the names of castes which are traditionally associated with the following occupations In case some of these castes have already been listed as Scheduled Castes or Scheduled Tribes in your State, please mention S.C or S.T. in brackets against such castes.

(1) Cultivation of own land,

(2) Tenant Farming,

(3) Agricultural Labour,

(4) Vegetable Cultivation;

(5) Gardening,

(6) Cattle Rearing,

(7) Sheep Rearing;

(8) Fishery,

(9) Piggery;

(10) Hunting,

(11) Butchery,

(12) Tanning,

(13) Making Leather goods,

(14) Cotton Weaving,

(15) Wool Weaving;

(16) Silk Weaving,

(17) Dyeing,

(18) Mat Making,

(19) Basket Making;

(20) Rope Making,

(21) Tailoring,

(22) Cloth Washing,

(23) Carpentry,

(24) Black Smithy,

(25) Hair Dressing (Barber),

(26) Oil Crushing,

(27) Pottery;

(28) Toddy Tapping,

(29) Utensil Making,

(30) Scavenging (Sweeper),

(31) Nursing,

(32) Midwifery,

(33) Ferry plying,

(34) Salt Making,

(35) Betel-vine cultivation,

(36) Lime Burning;

(37) Astrology,

(38) Acrobats, Jugglers, etc ;

(39) Dancing and singing,

(40) Fortune telling.

86 In their efforts for upward social mobility, some lower castes have adopted the caste labels of higher castes. Please give some such examples from your State, indicating both the original lower caste label and the new, higher caste label adopted in its place

APPENDIX—III

QUESTIONNAIRE FOR CENTRAL GOVERNMENT MINISTRIES/DEPARTMENTS

No 8/3/79-BCC

GOVERNMENT OF INDIA

BACKWARD CLASSES COMMISSION

S S. GILL
Secretary

25th April, 1979

SUBJECT.- Information regarding employees belonging to Other Backward Classes

Ref D O letter No 17020/5/79-SC & BCD-I dated 19th March, 1979.

Dear Shri

In my D O letter under reference I had requested for the supply of information regarding the total number of employees belonging to Other Backward Classes working in your Ministry

2. Though a number of State Government have drawn up lists of Other Backward Classes, no such lists have been complied by the Central Government. In fact, the first term of reference of Backward Classes Commission pertains to the defining of criteria for determining Backward Classes As the desired criteria could be evolved only after extensive field surveys and examination of data called from various agencies, the Commission itself is also not in a position to indicate specific and well considered criteria for defining Backward Classes

3 In view of the above difficulties and looking to the urgency of obtaining information regarding the employment of members of Backward Classes under the Central Government, the Commission has decided to lay down the following rough and ready criteria on purely *ad hoc* basis

4 Article 340 of the Constitution refers to "socially and educationally" backward classes The following test may, therefore, be applied to determine socially and educationally backward classes —

(*a*) *In respect of employees belonging to the Hindu Communities*

(*i*) an employee will be deemed to be socially backward if he does not belong to any of the three twice-born (Dvij) 'Varnas' i.e. he is neither a Brahmin, nor a Kshatriya/nor a Vaishya, and

(*ii*) he will be deemed to be educationally backward neither his father nor his grand-father had studied beyond the primary level

(*b*) *Regarding the non-Hindu communities*

(*i*) an employee will be deemed to be socially backward if either

(1) he is a convert from those Hindu communities which have been defined as socially backward as per para 4(a)(i) above, or

(2) in case he is not such a convert, his parental income is below the prevalent poverty line, i e Rs 71 per head per month.

(*ii*) he will be demed to be educationally backward if neither his father nor his grand-father had studied beyond the primary level

5 It may please be noted that an employee will qualify for membership of Other Backward Classes only if, *both* socially and educationally, he is found to be backward according to the above criteria.

6 It is further requested that, to expedite the work of compilation, the desired information may be sent in two instalments, i e

(1) Information regarding your Ministry/Department may be sent within a period of one month, and

(2) Information pertaining to the subordinate and attached offices and other organisations, as well as public sector undertakings, under the charge of your Ministry may be sent by the end of June, 1979

7 A slightly modified proforma for compiling the desired information is enclosed

Yours sincerely,

Sd/
(S S GILL)

Encl - 1

All Ministries/Departments of the Central Government.

PROFORMA

Number of employees belonging to 'OTHER' BACKWARD CLASSES working in—

Name of (1) Ministry/Department ....

OR

(2) Subordinate and Attached offices and other organisations ....

OR

(3) Public Sector Undertaking ....

	Total number of employees	No. of employees belonging to Scheduled Castes & Scheduled Tribes	No. of employees belonging to Other Backward Classes (Excluding SC/ST.)
1. Officers/Supervisors			
2. Office Staff/Skilled Workers, etc.			
3. Class IV/Unskilled Workers			

ENDIX IV

QUESTIONNAIRE FOR GENERAL PUBLIC

NOTE This Questionnaire deals with other Backward Classes only and Scheduled Castes and Scheduled Tribes should be *excluded* from consideration

1 In your opinion, what material changes have taken place in the caste structure of your State since Independence ?

2 What should be the criteria for defining the socially and educationally Backward Classes ?

3 Should caste be made a criterion for determining backwardness ?

4. Caste being peculiar to the Hindu communities, what criteria should be adopted to determine social and educational backwardness among the non-Hindu communities

5 (*a*) Has your State Government published a list of socially and educationally Backward Classes ?

(b) Are you satisfied with this list ?

(*c*) If not, please give reasons

6 (*a*) Has your State Government extended any special facilities to the socially and educationally Backward Classes ?

(*b*) If so, what are these facilities ?

(*c*) Do you consider these facilities as adequate ?

(*d*) If not, please give reasons

7 (*a*) Has your State Government made any specific reservation of posts in Government service and public sector enterprises for Other Backward Classes ?

(*b*) If so, do you consider this reservation as adequate ?

(*c*) Are these reserved posts generally filled by candidates belonging to socially and educationally Backward Classes ?

8. What practical steps can be taken to enhance the intake of candidates belonging to socially and educationally Backward Classes in Government services ?

9 (*a*) What are the social, civil and religious disabilities suffered by the Other Backward Classes in your State ?

(*b*) What steps have been taken to remove these disabilities ?

(*c*) To what extent these steps have been effective ?

10 (*a*) Do the candidates of Other Backward Classes face any particular difficulties in getting into

(*i*) higher government posts, and

(*ii*) institutions of higher education (specially technical) ?

(*b*) If so, what steps should be taken to facilitate matters ?

11 (*a*) What is the extent of indebtedness amongst the Other Backward Classes ?

(*b*) What are its causes ?

12 What concrete steps should be taken to promote literacy among the Other Backward Classes ?

13 What specific steps can be taken to improve the social and financial conditions of Other Backward Classes ?

14 (*a*) Which are the dominant castes in your State ?

(*b*) What factors have led to this position of dominance ?

(*c*) How would you define a dominant caste ?

15 What is the relationship of the dominant castes with the Other Backward Classes ?

16 (*a*) Which voluntary organisations in your State are working for the welfare of various caste groups and classes ?

(*b*) What has been the impact of their activities ?

17 (*a*) What has been the shift in the occupational pattern of the Backward Classes of your State in the last three decades ?

(*b*) Please give reasons for your answer

18 Whereas the Constitution of India contemplates special measures to improve the conditions of socially and educationally Backward Classes only, some people maintain that Backward Classes should be identified by applying economic criteria What are your views in the matter ?

Please send replies to the Questionnaire to the Secretary, Backward Classes Commission, Government of India No 5 Dr Rajendra Prasad Road, New Delhi-110001

APPENDIX V

LIST OF MEMBERS OF PARLIAMENT, PUBLIC MEN AND EXPERTS WHO APPEARED BEFORE THE COMMISSION FOR EVIDENCE

A. *List of Members of Parliament of the 6th Lok Sabha and Rajya Sabha*

Date of Meeting

ANDHRA PRADESH (i) 17-5-1979
(ii) 18-5-1979

1 Shri S R A S Appalanaidu
2 Shri M Nageswar Rao
3 Shri G Mallikarjuna Rao
4 Shri K S Narayana

ASSAM 17-5-1979

5 Shri I H Khan

BIHAR 31-3-1979

6 Shri Hukamdeo Narain Yadav
7 Shri Ramlakhan Prasad Gupta
8 Shri Ramanand Yadav
9 Shri Vinayak Prasad Yadav

GUJARAT 17-5-1979

10 Shri Chhitubhai Gamit

HARYANA 10-5-1979

11 Smt. Chandravati
12. Shri Manohar Lal Saini

JAMMU & KASHMIR 17-5-1979

13 Smt. Parwati Devi

KARNATAKA 27-4-1979

14 Shri B Janardhanana Poojary
15 Shri L R. Naik
16 Shri K. B Choudhari

MADHYA PRADESH 10-5-1979

17. Shri Narhari Prasad Sai
18 Smt. Jamuna Devi
19 Shri B R. Manhar
20. Shri Govind Ram Miri
21 Shri Bharat Singh Chowhan

MAHARASHTRA 17-5-1979

22. Shri V P Naik

MANIPUR 17-5-1979

23. Shri Kaiho

MEGHALAYA 17-5-1979

24 Shri P A Sangma
25 Shri H. S Lyngdoh

NAGALAND 17-5-1979

26 Smt. Rano M Shaiza

RAJASTHAN 10-5-1979

27 Shri Nathu Singh
28 Shri N R Mirdha
29 Shri Chaturbhuj

SIKKIM 17-5-1979

30 Shri C B Chhetri

TAMIL NADU 4-7-1980

31 Shri K Ramamurthy
32 Shri K. T Kosalram
33 Dr P V Periasamy

UTTAR PRADESH 7-5-1979

34 Shri P L Kurcel
35 Shri Shyam Lal Yadav
36 Shri B P Maurya
37 Shri Manohar Lal
38 Shri Daya Ram Shakya
39 Smt Hamida Habibullaha
40 Shri Mohan Lal Pipil
41 Shri Ram Lal Kureel
42 Shri R. D Shastri
43 Shri Chandan Singh
44 Shri Kanwar Mahmud Ali Khan
45 Shri R. S Verma
46 Shri Roop Nath Singh Yadav
47 Shri Surendra Bikram
48 Shri Mangal Deo Visharad

WEST BENGAL 17-5-1979

49 Shri K. B Chettri

DELHI 10-5-1979

50 Shri Brahm Prakash Chandhury

B *List of Members of Parliament of the 7th Lok Sabha and Rajya Sabha*

Date of Meeting

ANDHRA PRADESH 1-7-1980

1 Shri P Shiv Shankar
2 Shri S R.A.S Appalanaidu
3 Prof N G Ranga
4. Shri P Rajagopal Naidu

BIHAR 4-7 1980

5 Shri N E Hore
6 Shri D P Yadav
7 Shri R. L. P Verma
8 Shri A. K. Roy
9 Shri D L. Baitha
10 Shri Ram Avtar Shastri

GUJARAT	**2-7-1980**
11. Shri Narainh Makwana	
12. Shri B. K. Gadhavi	
13. Shri R. P. Gaekwad	
14. Shri Navin Ravani	
JAMMU & KASHMIR	**3-7-1980**
15. Shri G. R. Kochak	
16. Shri Mubarak Shah	
17. Shri G. M. Shawl	
KARNATAKA	**1-7-1980**
18. Shri B. Janardhana Poojary	
19. Shri S. B. Sidnal	
KERALA	**1-7-1980**
20. Shri E. Balanandan	
MADHYA PRADESH	**2-7-1980**
21. Shri N. K. Shejwalkar	
22. Shri Arvind Netam	
23. Shri Mundar Sharma	
MAHARASHTRA	(*i*) **2-7-1980** (*ii*) **4-7-1980**
24. Shri S. B. Chavan	
25. Shri Madhu Dandavate	
26. Shri Bapu Saheb Parulekar	
27. Shri S. B. Thorat	
28. Shri G. S. Kuchan	
MANIPUR	**4-7-1980**
29. Shri Tompok Singh	
ORISSA	**4-7-1980**
30. Shri C. M. Panigrahi	
PUNJAB	**3-7-1980**
31. Genl. Rajinder Singh Sparnow	
32. Shri Harkishan Singh Surjeet	
33. Smt. Rajinder Kaur	
34. Smt. Amarjit Kaur	
35. Shri Hakam Singh	
SIKKIM	**4-7-1980**
36. P. M. Subha	
TAMIL NADU	**1-7-1980**
37. Shri R. V. Swaminathan	
38. Shri Era Anbarasu	
UTTAR PRADESH	**3-7-1980**
39. Shri Shyam Lal Yadav	
40. Shri B. D. Singh	
41. Shri Narendra Singh	
42. Shri Ram Pyare Panika	
43. Shri Jai Pal Singh Kashyap	
44. Shri Jai Ram Verma	
WEST BENGAL	**4-7-1980**
45. Shri Jyotirmoy Bosu	
46. Smt. Geeta Mukherjee	
GOA, DAMAN & DIU	**2-7-1980**
47. Shri Eduardo Faleiro	

C. *List of Public Men*

ANDHRA PRADESH — **26-7-1980 to 30-7-1980**

1. Shri T. Nageshwar Rao
2. Shri A. Chakrapani
3. Smt. Guntur Bapaniah
4. Shri Venkataswamy
5. Shri Laxman Rao
6. Shri Venkateswarlu
7. Dr. Challa Rama Rao
8. Shri Nagarala Venkat Rao
9. Shri Kanakala Yadav
10. Shri Prakasa Rao
11. Shri Augustin
12. Shri Kotiah
13. Shri B. Venkateshwarlu
14. Shri K. Satyanarayana Murthy
15. Shri Laxmaiah
16. Shri Prasad
17. Shri Varada Raju
18. Shri Kesava Rao
19. Shri Sri Rama Murthy
20. Shri Rama Rao
21. Shri Rama Subba Rao
22. Shri Pothina Chinna
23. Shri Srinivasa Rao
24. Shri Vittal Reddy
25. Shri K. Venkatesham
26. Shri Sunder Lingiah
27. Shri Madhava Rao
28. Shri Balakrishan
29. Shri Augamaiah
30. Shri T. Narsaiah
31. Shri T. Balraj
32. Shri Babaiah
33. Shri Narayana
34. Smt. Vijaya
35. Shri Venkataiah
36. Md. Jehangir
37. Shri Mallaiah
38. Shri Gouthu Lachanna
39. Shri Parasurama Naidu
40. Shri Y. Satyanarayana
41. Shri A. L. Malliah
42. Shri Balasanthu Bahurupi
43. Shri Surya Narayana
44. Shri Luxmi Narayana
45. Shri Śriramulu
46. Shri Papa Rao
47. Shri Prabhakar Rao
48. Shri Yeilappa
49. Shri Balappa
50. Shri K. Narayana Raju
51. Shri Laxminarayana
52. Shri Deepala Rama Krishna Rao
53. Shri M. Rangaiah
54. Shri Y. Rajkumar
55. Shri Venkatnarayana Yadav
56. Shri Koteswar Rao Yadav
57. Shri J. Veeraswamy
58. Dr. Patnaik

59. Shri P. Vaikunttam
60. Shri Shyam Sunder Rao
61 Shri A Veerappa
62 Shri Shyam Sunder Rao
63 Shri Sreeramulu
64 Dr M Channa Reddy
65 Shri B N Raman
66 Shri Joshi
67 Shri Sesham Raju
68 Shri R Krishnaiah
69 Shri P Srirama Murthy
70 Shri Akbar Ali Khan
71 Shri G Latchanna
72 Shri K Rangadass
73 Shri M Manik Rao
74 Shri K B Narsappa
75. Shri G Narimhulu Naidu
76 Shri G Siddayya
77. Shri P Samson
78 Shri Chandra Prakash Varma
79 Shri Dwaraka Pershad
80 Shri Mannohan Parashad
81 Shri Narsing Parsahad
82 Shri Mardhusudan
83 Shri Anand Raj Verma
84 Shri Prahlad Narayan
85 Shri Jai Prakash
86 Shri Shankar Singh
87. Shri Jai Raj Singhji
88 Shri Vijay Singh (Late)
89 Shri S K S Rana
90. Shri Uday Singh
91 Shri Kishan Singh
92 Shri Veerender Singh
93. Shri Tulja Singh
94 Shri Someshwar Singh
95. Shri Raghunath Singh
96 Shri B Prabhaker Rao
97 Shri Laxmi Narayan
98 Shri D V Subba Rao
99 Shri P Balappa
100. Shri Babu Rao Varma
101. Shri A. Rajaram
102 Shri J. Yadagiri
103. Shri G Kumaraswamy
104. Shri Ramulu
105. Shri Kalyan Das Gadale
106. Shri T. Lohi Das
107. Shri M Ramachandran
108. Shri P. E. Vijayam
109. Shri N. Surya Prakasha Rao
110. Shri M. A. Ansari

NOTE :—55 persons who gave evidence did not identify their names.

BIHAR

26-5-1979 to 30-5-1979
&
11-9-1979 to 18-9-1979

1. Shri Vinayak Prasad Yadav
2. Shri Barar Lal
3. Shri Jagan Nath Mishra
4. Shri Narendra Narain Yadav
5 Shri Bhola Prasad Mehta
6 Shri Kapil Dev Mandal
7 Shri Rajendra Babu
8 Shri Kaleshwar Mandal
9 Shri Lakshmi Narain Mandal
10 Shri Sada
11 Shri Nageshwar Yadav
12 Shri Rajendra Vishwas
13 Shri Jayanandan Yadav
14 Shri Yaduvansh Kumar Yadav
15 Shri Ram Vilas Yadav
16 Shri Dev Narayan
17 Shri Ram Yatan Paswan
18. Shri Madhu Sudan
19 Shri Narendra Narayan Yadav
20 Shri Mohammed Islam
21. Shri Rameshwar Yadav
22 Shri Mahavir Singh
23 Shri Brahmu Dev Mandal
24 Shri Sivanand Singh
25 Shri Ramotar
26 Shri Nand Lal Goel
27 Shri Ram Chandro Yadav
28 Shri Chaman Lal Mehta
29 Shri Khada Prasad Mandal
30 Shri Ravindra Yadav
31 Shri Rajindra Kumar Singh
32 Shri Gaurishankar Mandal
33 Shri Khanta Prasad Yadav
34 Shri Shashi Nath Jha
35 Shri Ramachander Shah
36 Shri Dayanand Shah
37 Shri Rajendra Prasad Yadav
38 Shri Sushil Kumar
39 Shri Motilal Sharma
40 Shri Brij Kishore Yadav
41 Shri Sita Ram Yadav
42 Shri Jaikishan Yadav
43. Shri Ramachandra Choudhari
44. Shri Bajrang Choudhary
45 Shri Anant Prasad Mandal
46. Shri Suraj Narayan Yadav
47. Shri Kusheshwar Yadav
48 Shri Suresh Chand Yadav
49. Shri Hari Krishan
50 Shri Ramji Kamat
51 Shri Mishri Lal Chandoor
52 Shri Laxmi Narain Mandal
53 Shri Suresh Prasad Yadav
54 Shri Tej Narayan Yadav
55. Shri Parasmani Mandal
56. Shri Shambu Nath Jha
57. Shri Bhola Chandhari
58 Shri Chandra Sekhar Yadav
59 Shri Goswami Prasad Yadav
60. Shri Chunilal Shah
61 Shri Laxmi Prasad Yadav
62 Shri Anirudh Prasad Singh
63. Shri Bhupendra Yadav
64. Shri Ram Krishana Mandal

65. Shri Siyaram Yadav
66. Shri Narhari Modi
67. Shri Satya Narayan Mandal
68 Shri Ram Krishan Poddar
69 Shri Daroga Prasad Mandal
70 Shri Yoganand Mandal
71 Shri Jagdish Prasad
72 Shri Dinabandhu Yadav
73 Shri Mahavir Prasad Yadav
74 Shri Nand Kishore Prasad Mandal
75 Shri Sachidanand Yadav
76 Dr Arjun Prasad Singh
77. Shri Bhomi Prasad Mandal
78. Shri Narayan Prasad Singh
79. Shri Jai Krishna Yadav
80. Shri Mahesh Chand Yadav
81 Shri Rameshwar Prasad Yadav
82. Smt Madhuri Jaiswal
83 Shri Kapil Dev Mandal
84. Shri Adhiklal Poddar
85 Shri Shivaeshwari Prasad Yadav
86 Shri Mahabir Prasad Mandal
87. Shri Govind Prasad Yadav
88 Prof. Koshal Kishore Mandal
89 Shri Hazi Mohammad Usmani
90 Shri Jugal Rishi
91 Shri Tribhuwan Singh
92. Shri Hari Prasad Yadav
93 Shri Narayan Prasad Yadav
94. Shri Upendra Yadav
95. Shri Virendra Kumar Singh
96. Shri Mahesh Yadav
97 Shri Jagdish Yadav
98 Shri Sahitanand Yadav
99 Shri Rajendra Chowdhary
100 Shri Rameshwari Mehta
101 Shri Rajendra Prasad Yadav
102. Shri Anand Prasad Yadav
103. Shri Janardan Prasad Yadav
104 Shri Kadam Lal Shah
105 Shri Autar Ur Rahman
106. Shri Kishore Yadav
107 Shri Govind Prasad Yadav
108 Shri Bindeswari Yadav
109 Shri Jaikumar Singh
110 Shri Murdhari Mandal
111 Shri Ajudhya Sahu
112 Shri C R Ram Yadav
113 Shri Anugrah Ram
114 Shri Hari Prasad Yadav
115. Shri Nageshwar Prasad
116 Shri Anant Prasad Mandal
117 Shri Suraj Narayan Yadav
118 Shri Surendra Prasad
119 Shri Tej Narayan Yadav
120 Shri Parashmani Mandal
121 Shri Ram Krishna Mandal
122 Shri Yoganand Mandal
123 Shri Mahavir Prasad Acharya
124 Shri Narayan Prasad Singh
125. Shri Ishwari Prasad
126 Smt. Kishori Devi
127. Shri Ramsunder Dass
128 Shri Mithilesh Kumar
129. Shri Upendra Narayan Yadav
130 Shri Virendra Singh
131 Shri Sachchidanand Yadav
132 Pt Kulanand
133. Prof Sachchidanand
134 Shri K. K Mandal
135 Shri Sudhir Prasad Yadav
136 Shri Sant Kumar Singh
137 Shri Parmanand Mandal
138. Shri Hira Kishore Yadav
139 Shri R P Vishwas
140 Shri Abdul Mazid
141 Shri Baldeo Saraf
142 Shri Raghunath Mandal
143 Shri Kalikant Chaudhry
144 Shri Hari Shankar Yadav
145 Shri Sahdev Mahto
146 Shri Mohammad Iliyas
147 Shri Vasudeo Sahni
148 Shri Mujibul Rehman
149 Shri Rajkumar Sahni
150 Shri Shivnandan Sahu
151 Shri Sita Ram
152 Shri Madhusudan Ram
153 Shri Narendra Prasad Yadav
154 Smt Rajnibala Julaka
155 Shri Ram Bahadur Yadav
156 Shri Mahavir Rao
157. Shri Ram Shankar Mishra
158 Shri Satnam Prasad
159 Shri Jagdish Pathak
160. Shri Raghunath Mahto
161. Shri Nityan Chaudhry
162. Shri Shivkumar Prasad
163 Shri Ramesh Prasad Singh
164. Shri Harihar Chaudhry
165 Shri Ram Babu Srivastava
166. Shri Kamta Prasad Gupta
167. Shri Adhik Lal Kharva
168 Prof. R. K. Thakur
169 Shri Bhola Prasad Mehta
170 Shri Srikishan Bagi
171 Shri Avinash Chandra
172 Shri Jagdish Mahto
173. Shri Yogendra Prasad Yadav
174. Shri Phooleswar Yadav
175. Shri Jagdish Prasad Mandal
176 Shri Rajendra Prasad Singh
177 Shri Damedar Prasad Yadav
178 Shri Dev Narain Yadav
179. Shri Kailash Pati Mishra
180. Shri A. N Sinha
181. Shri Surendra Kumar Chaudhry
182 Shri Janardan Rai

NOTE :—4 persons who gave evidence did not identify their names.

GUJARAT

18-9-1980 to 21-9-1980

1. Shri Sheik Abdul Rasheed
2. Shri N D. Zaveri
3. Shri C. D. Modi
4. Shri Mohanbhai Gurjar
5. Shri Dayasingh Lodha
6. Shri Joseph Makwana
7. Shri Babubhai Ishwarbai Potna
8. Shri Ramanandi Bawas
9. Shri Kanabhai Laxmanbhai Ahir

NOTE —47 persons who gave evidence did not identify their names.

HARYANA

15-5-1979 to 16-5-1979

1. Shri Darshan Lal
2. Shri Mahavir Thakur
3. Shri Om Parkash
4. Shri Anant Ram Kashyap
5. Shri Neki Ram
6. Shri J N Verma
7. Shri Jag Narain Lohar
8. Shri Ram Panchal Lohar
9. Shri Chandrabhan
10. Shri Siri Chand
11. Shri Dev Chand
12. Shri Manan Singh
13. Shri Jai Narain
14. Shri Hargopal
15. Shri Chatur Singh
16. Shri Anand Sarup Bhardwaj
17. Shri Satbir Singh Hooda
18. Shri Chet Ram Saini
19. Shri Radhe Krishan
20. Shri Ram Kumar Panchal
21. Shri Shanti Rathi
22. Shri Ram Chander
23. Shri Duli Chand
24. Shri Phool Singh
25. Shri Hari Singh Dakkot
26. Shri Brijinder Singh Tarkkan
27. Shri Rao Birendra Singh

NOTE 6 persons who gave avidence did not identify their names

HIMACHAL PRADESH

29-9-1980 to 2-10-1980

1. Smt. Sunita Mukherjee
2. Shri Gian Kashyap
3. Shri Amar Singh
4. Shri Ram Chand
5. Shri Rattan Chand Hoje
6. Shri Itwari Lal Balmiki
7. Shri Kishan Lal
8. Shri Med Ram
9. Shri Vidya Bager
10. Shri Yadav
11. Shri Mouji Ram
12. Shri Satyadev Bushahari
13. Shri Chendar Kumar
14. Shri Madan Choudhary
15. Shri Vidya Bhushan
16. Shri Brij Lal
17. Shri Sarup Singh Thakur
18. Thakur Kamal Singh
19. Shri Mia Ramji
20. Shri Hari Dutt
21. Shri Ghan Syam
22. Shri Pandya
23. Shri Mehar Chand
24. Shri Raj Kishore Gaud
25. Shri Roshan Lal
26. Shri Surinder Kumar
27. Shri Ram Nath
28. Shri Sita Ram
29. Shri Raj Kishore
30. Shri Jogi Ram
31. Shri Naval Thakur
32. Shri Raj Kishore
33. Shri Keshav Ram
34. Shri Amar Chand
35. Shri Satya Paul

JAMMU & KASHMIR

14-10-1979 to 17-10-1979

1. Shri Chunnilal Diwan
2. Shri Dharmpal Sharma
3. Shri Parmanand
4. Shri Wazir Mashashai
5. Shri Chhajju Ram
6. Shri Chamman Lal
7. Shri Madan Lal
8. Shri Nathi Ram
9. Shri Samul Peter
10. Shri Rana Mahmood
11. Shri Sanjhu Ram
12. Shri Noor Mohd
13. Shri Ajit Singh Sangotra
14. Shri Koonda Ram
15. Shri Tarachand Mangotra
16. Shri Balraj Puri
17. Shri Krishna Lal
18. Shri Tarachand Kesari
19. Dr. R S. Modi
20. Shri Onkar Seth
21. Shri Milkhi Ram
22. Shri Hazi Buland Khan
23. Shri Bhim Singh
24. Shri Banarsilal
25. Shri Balak Ram
26. Shri Om Prakash
27. Shri Munshi Ram
28. Shri Ram Chandra
29. Shri Krishan Lal
30. Shri Jalaka Ram
31. Shri Jhanda Singh
32. Shri Satish Bakshi
33. Shri Vakil Singh
34. Shri Balraj Kumar
35. Shri Thakur Das Chanotam
36. Ch Sukardin Azad

37 Smt Wazira Begam
38 Shri Abdul Wahid
39 Shri Bhim Singh
40 Ch Mohd Shafi Qureshi
41 Shri Abdul Salim Deva
42 Shri Gulam Quadir Gaurasi
43 Shri Mohd Shafi
44 Shri Azad Huln Harshi Harish
45 Shri Abdul Gafoor
46 Shri Gulam Quadir Tandre
47 Miss Sushama Chandhuri
48 Shri Ali Mohd Sheikh
49 Shri Rahim Sheikh
50 Shri Malik Gulam Din
51 Shri Mohd Khalil Johar
52 Shri Mohd Dilwar Loni
53 Shri Gulam Mahim Diwan
54 Ch. Kanwar Deep
55 Shri Mujahid Mohd Abdulla
56 Shri Abdul Rahaman
57 Shri Azad Kapur
58 Shri Gulam Mohammed
59 Shri Gulam Mohammed
60 Shri Mohd Ahmed Zaffar
61 Shri Abdul Ghani Siraj
62 Shri Gulam Mohhammed
63 Shri Mohd Amin
64. Shri Thakur Singh Joshi
65 Shri G M Shah
66 Shri D D Thakur

NOTE —2 persons who gave evidence did not identify their names

KARNATAKA

9-4-1980 to 13-4-1980

1 Shri Krishnamurthy
2. Shri B E Choudhury
3 Shri M K. Nimbargi
4 Shri Shiva Sharnappa Khyobajonda
5 Shri K. F Anakalagi
6 Shri H A Bagalkot
7 Shri S T Baraker
8 Shri S B Khadri
9 Shri U B Ramadurgakar
10 Shri Jangappa
11 Shri M M Hundekar
12. Shri N L. Chandarkar
13 Shri N R Mishri Koti.
14 Shri Vasanth Gollar
15 Shri M B Patil
16 Shri Ambi
17 Shri I M Rajanalker
18 Shri S P Bavali
19 Shri Narvate
20 Shri G S Bhat
21 Shri P T Habib
22. Shri V N Ghorpade
23 Shri V C. Dambal
24 Shri V J Kammar
25 Shri A. M. Patankar
26 Shri L B Linganoudar
27 Shri B H Mutti
28 Prof A S Dharanehdraman
29 Shri S M Vodeyar
30 Shri K P Chatni
31 Shri Havanur
32 Shri Gulam Mohd
33 Shri D V Nagamore
34 Shri M Raju
35 Shri Rao
36 Shri Puttawali
37 Shri M Shrinivas
38 Shri Narsinghappa
39 Shri Kiravedi
40 Shri U R Kulkarni
41 Shri Hanumant Rao Sindha
42 Shri R. Narayan
43 Shri Vishvanath Nimalinga Aradhya
44 Mrs Mayana
45 Shri Sri Rama
46 Shri Bora Ganda
47 Shri R L Vasudeva
48 Dr K. Nazir Ahmed
49 Shri G K. Puttoswamy
50 Shri Lakshmi Narsimhaiah
51 Shri E L. Chikram
52 Shri Devaraju
53 Dr (Mrs.) Parvati Amma
54 Shri Shetty
55 Shri Y Ramachandran
56 Shri N Rachiya
57 Shri Hanumanthaiya
58 Shri Kuruvina Shetty
59 Shri Prebhakar Telkar
60 Shri L G Pattaran
61 Shri K. R. C. Naidu
62 Shri Rajasekhera Shetty
63 Shri V V Pattar
64 Shri Manohar Mani
65 Shri M S. Venugopalan
66 Shri Siddappa
67 Shri M S Rajacharya
68 Shri B R. Krishnamurthy
69 Shri G P Gandi
70 Shri Arun Kumar
71 Mrs Chandrabai Narayan
72 Shri A. S Dandadre
73 Shri S L Baruja

NOTE —14 persons who gave evidence did not identify their names

KERALA

23-6-1979 to 25 6-1979

1 Shri B V Abdullah Koya
2 Shri P M Abubacker
3 Dr P Subramaniam
4 Shri P Vijayan Pillai
5 Shri A. K. Krishna Master
6 Shri P K. Mamukoya
7 Shri Sadanandan
8 Shri T. Govindan

9 Shri B N Ganpati
10 Shri Venugopalan
11 Father Mathew Plathottam
12 Shri K M Raman
13 Shri C P Bahan Vaidyam
14 Shri P K Gopalakrishnan
15 Shri K T Achuthan
16 Shri N K Kuttiraman
17 Shri O S Ramakrishnan
18 Kumari Sarashwathy
19 Shri E S Velayudhan
20 Shri M A Krishnamurthy
21 Shri Padma Stephan
22 Shri T K Vasudevan
23 Shri Kamalasanam
24 Shri Kuttam
25 Shri Dinakaran
26 Shri K K Ramakrishnan
27 Shri Pattavallam
28 Smt T P Rajamma
29 Shri K V Vijayamma
30 Shri Raghuwar
31 Shri Sundaresan Nair
32 Shri A N Nadar
33 Shri K P Sankaran Nair
34 Shri A Issuddin
35 Shri K Vasudevan
36 Prof P S Achutan Pillai
37 Shri K. Murlidharan
38 Shri M C Chettiyar
39 Shri P Subramaniam

NOTE —5 persons who gave evidence did not identify their names

MADHYA PRADESH

15 8 1980 to 20-8-1980 and
4-10-1980 to 8-10-1980

1 Shri Bhanwar Lal
2 Shri Bhagwat Shah
3 Shri Panna Paw Songar
4 Shri Gautam Pradhan
5 Shri Hari Singh
6 Shri Gulsar Ahamad
7 Shri Dadul Ahir
8 Shri Ramooli
9 Shri Nihilal
10 Shri Namba
11 Shri Jaggu
12 Shri Babu Lal
13 Shri Babboo
14 Shri Balaji
15 Shri Mangali
16 Shri Jagdish Prasad Tiwari
17 Shri Tanta
18 Shri Cheedi Lal
19 Shri Gopal
20 Shri Kishore Lal
21 Shri Govind Prasad
22 Shri G S Sachdeo
23 Shri K. K Sethi
24 Shri Prakash Namasundara
25 Shri Chet Ram Yadav
26 Shri Gautam Singh Thakur
27 Shri Narsingh Mandal
28 Shri Thakur
29 Dr B D Sharma
30 Shri Raghunath Prasad Agarwal
31 Shri Vishwanath Singh
32 Shri Tosan Singh
33 Shri Noor Mohamed Mansoori
34 Shri Bharat Prasad Jain
35 Shri Bisaswar Prasad
36 Shri Ram Narain Singh
37 Shri Jagan Nath Yadav
38 Shri P D Sondhia
39 Shri Rajendra Singh
40 Shri Gian Singh Sarpanch
41 Shri Bhaiya Lal Nag
42 Shri Jairam Singh Jay
43 Shri Prem Kushwaha
44 Shri Man Mohan Dass
45 Shri Matadin
46 Shri Jenmil Ahmed Ansari
47 Shri Lakshmi
48 Shri Devi Prasad Chaudhary
49 Shri Gopal Prasad
50 Shri Ram Charan Bhore
51 Shri Ram Pal
52 Shri Gulab Singh Marasi
53 Shri Shyam Bhore
54 Shri K L Gorelia
55 Shri Raman Patel
56 Shri Akaldas Manikpuri
57 Shri Chote Lal Kanaujia
58 Shri Jairam Singh Jain
59 Shri Bhojram
60 Shri Bhabanilal Soni
61 Shri Ram Chaurasia
62 Shri Ram Charan
63 Shri Ganesh Prasad Chaurasia
64 Shri Sharda Prasad
65 Shri Bihari Das
66 Smt Banu
67 Shri Babu Lal
68 Shri Suba Ram
69 Shri Kalu Ram
70 Shri Jaura
71 Shri Shiv Pujan
72 Shri Basant Lal
73 Shri Moti Lal Malviya
74 Shri Ishwar Das Loria
75 Shri Babu Lal Solanki
76 Shri Sarnam Singh Dhuriya
77 Shri Kanihiya Lal Ahosia
78 Shri B N Khatodia
79 Shri Shyam Lal
80 Shri Sri Ram Patel
81 Shri Mobaraj Singh
82 Shri Ram Prasad
83 Shri Sahab Lal Kodle
84 Shri Bhopa Prasad Basor
85 Km. Gomti

86 Shri Lakshman Patel
87 Shri Ramgopal Varma
88 Shri Narayan Singh Yadav
89 Shri Nazir Ahmed
90 Shri Ram Singh Saugar
91 Shri Rattan Lal Panika
92 Smt Kanti Devi
93 Dr B D Sharma
94 Shri Chib
95 Shri Ram Chander Lodwal
96 Smt Muni Bai Chauhan
97 Shri Shambhu Dayal Varma
98 Shri Sunder Lal Chauhan
99 Shri Krishan Lal Kunahre
100 Shri Gopi Krishan Gaur
101 Shri Radha Krishan Balmiki
102 Shri Ramesh Chand Kashyap
103 Shri Chandu Lal Chaudhary
104 Shri Madhukar Marmath
105 Shri Kanhiya Lal Khadiwala
106 Shri Sant Yug, Raj Das
107 Shri Madan Singh Sakhla
108 Shri Bhatt
109 Shri S C Kansal
110 Shri Varma
111 Shri Mustafa
112. Shri Amar Singh Ahir
113 Shri Onkar Lal
114 Shri Rama
115 Shri Om Prakash Vaishnau
116 Shri Kishan
117 Shri Tikka Ram Yadav
118 Shri Ramji Mahajan
119 Shri Ram Singh Sarpanch
120 Shri Khundi Lal
121 Shri Nathu Lal Patel
122 Shri Nathu Lal
123 Shri Prem Singh Ghari
124 Shri Kishan Lal
125 Shri Narsing Charan
126 Shri Ram Kishan
127 Shri Gopal
128 Shri Umrao
129 Shri Bhagnath
130 Shri Ghisa Lal
131 Shri Bhagirath
132 Shri Lalu Singh Saran
133 Shri Kanhiya Lal
134 Shri Harish Chander
135 Shri Amab Ram
136 Shri Shankar Lal Rathore
137 Shri Ghanisham
138 Shri Jagannath
139 Shri Mool Chand Chaura
140 Shri Balwant Singh
141 Shri Mukund
142. Shri Krishan Lal Sharma
143 Shri Quazi Azmatullah
144 Shri Mohd Sharif Khan
145 Shri Mayan Lal
146 Shri B D Shukla

NOTE —22 persons who gave evidence did not identify their names.

MAHARASHTRA

20-7-1980 to 23-7-1980

1 Shri Atma Ram Jadhav
2 Shri Shiv Singh Daulat Singh
3 Shri Gangurde
4 Shri Kadam
5 Shri Harish More
6 Shri Nevahale
7 Dr Bedge
8 Shri A P Raut
9 Mrs Umbre
10 Shri Doulatrao Bhonsle
11 Shri B S More
12 Prof G L Dongre
13 Shri R. S Pathare
14 Shri R S Sangve
15 Shri P C Lohat
16 Shri R. N Bilolikar
17 Shri Krishna Rao Maruti
18 Shri M C Mahulkar
19 Shri N G Pardeshi
20 Shri K. J Rana
21 Shri M M Yattam
22 Prof Suma Chitnis
23 Smt Tarabai N Vartak
24 Shri Anil Kumar
25 Shri A. B Baig
26 Prof D B Bijwe
27 Shri T B Kadam
28 Shri R. S Bandal
29 Shri S S Devraj

NOTE —55 persons who gave evidence did not identify their names

ORISSA

20-6-1980 to 22-6-1980

1 Shri Rajendra Prasad Sahu
2 Shri Bidyadhar Sahu
3 Shri Suryanaryan Sahu
4 Shri Gandharba Barik
5 Shri Bansidhar Barik
6 Shri Promad Kumar Das
7 Shri Sudarshan Das
8 Shri Umesh Chandra Chand
9 Shri Prafulla Kumar Behera
10 Shri Akulananda Behera
11 Shri Sulav Maharana
12 Shri Subhash Chandra Panda
13 Shri Bal Ram Sahu
14 Shri Nageshwar Das
15 Shri Kesab Chandra Das
16 Shri Harekishan Sahu
17 Shri Paramanda Pilai
18 Shri Tareswar Sahoo
19 Shri Akulananda Behara
20 Shri Dibya Singh Behara
21 Shri Dola Govinda Pradhan
22 Shri Srikanta Panda
23 Shri M G Behari
24 Shri Kedar Nath Ojha
25 Shri Naval Kishore Maharana

26 Shri Benudhar Sethy
27 Shri Dinabandhu Sahu
28 Shri Puran Chander Sahu
29 Shri Ishwar Sahu
30 Shri Fakir Charan Behara
31 Shri Bira Mandali
32 Shri Ghanshyam Naik
33 Shri Ghanshyam Senapati
34 Shri Bhim Sen Barika
35 Shri Mahadev Maharana
36 Shri Rajkishore Naik
37 Shri Pitavas Naik
38 Shri Raghunath Behera
39 Shri Bansidhar Mekap
40 Shri Bhashkar Sahu
41 Shri Kelu Sahu
42 Shir Rajan Barika
43 Shri Sudershan Misra
44 Shri Hari Rai Sampat
45 Shri Mishra
46 Shri K S Dass
47 Shri Mohan Naik
48 Shri Bir Bhadar Singh
49 Shri R K Patra
50 Shri Basanta Behera
51 Shri Rama Chandra Valaka
52 Shri Mishra

PUNJAB

4-10-1980 to 7-10-1980

1 Shri Bhagat Singh
2. Smt Rupani Devi Bajaj
3 Shri Joshi
4 Shri Darbara Singh
5 Shri Harbansh Singh Nirmal
6 Shri Hans Raj
7 Shri Sohan Singh Parwana
8 Shri Nirmal Singh
9 Shri Sohan Singh
10 Dr Parkash Singh
11 Shri Bhagat Singh
12 Shri Garbhajan Singh Rattan
13 Shri Mohinder Singh
14 Shri Walter Poli
15 Shril Chhajoo Ram
16 Shri Nirmal Singh Nirmal
17 Shri Hari Dev
18 Shri Bhal Chand Kashyap
19 Shri Prem Singh Kane
20 Shri Sujan Singh Mehra
21 Smt Jahangir Kaur
22 Shri Lakha Singh
23 Shri Uma Kant Tiwari
24 Shri Ramji Dass
25 Shri Baldev Singh Bhatti
26 Shri Swarup Singh
27 Shri Mahendra Singh
28 Dr Zathariah
29 Shri Mehtab Singh
30 Shri Munni Lal
31 Shri Sharda Ram
32 Shri Puara Ram Shutwalia
33 Shri Piara Singh
34 Shri Bant Ram
35 Shri Mangat Ram Muskeen
36 Shri Harbhajan Singh
37 Shri Ram Lubhaya
38 Shri J M Bhatti
39 Shri Krishna Chandra
40 Dr R. L. Josh
41 Shri Dal Chand
42 Shri Krishtar
43 Shri Surat Singh
44 Shri Shyam Lal Kanaujia
45 Father Gulam Peter
46 Shri Vaishnav Bhardwaj
47 Shri Surinder Singh Pradhan
48 Shri Hans Raj Kashyap
49 Shri Amrit Singh
50 Shri Om Parkash
51 Gurmukh Singh
52 Choudhary Prabhati Ram
53 Shri Om Prakash
54 Chaudhury Ram Singh
55 Shri Amar Singh
56 Shri Jaswant Singh Barpal
57 Shri Avtar Singh
58 Dr Zakharia

NOTE —8 persons who gave evidence did not identify their names

RAJASTHAN

26-8-1980 to 30-8-1980

1 Shri Daulal
2 Shri Mali Ram
3 Prof Kamal
4 Shri Samant Singh Bardwara
5 Smt Mali Ram Sen
6 Shri Ganga Singh Kanwar
7 Master Ram Singh
8 Capt Sampuran Singh
9 Shri Dhana Ram
10 Shri Tejpal Ahir
11 Shri Ramgopal Yadav
12 Shri Prahlad Singh Rathore
13 Shri Mamuddin
14 Shri Mahadao Verma
15 Shri Ram Swarup Jassal
16 Shri Mohan Lal Dadarwal
17 Shri Dinesh Kumar
18 Shri Gulakh Chand
19 Shri Kanwar Lal
20 Shri Goru
21 Shri Sitaram
22 Shri Gyasi Lal
23 Shri Madan Lal Parikh
24 Shri Hanuman Prasad Raigar
25 Shri Yadav
26 Shri Ram Swarup Nathi
27 Shri Madan Singh
28 Shri Gopi Chand Kalal
29 Shri Nathi Singh

30. Shri Krishan Lal Ramroh
31. Shri Sadhu Ram Sain
32. Shri Balaji Panna Kohilanag
33 Shri Jitendra Nath Yadav
34 Shri Prithvi Singh
35 Shri Kalyan Choradia
36 Shri Dhalia Ram
37 Shri Wazir
38 Shri Pawan Chauhan
39. Shri Bhagirath Badoos
40. Shri Om Prakash Par
41 Shri Shankar Lal
42. Shri Kambha Ram
43 Shri Asho Ram Dhawal
44 Shri Dhanraj Verma
45 Shri Ram Kishore
46 Shri Bhabhut Ram Vakil
47 Shri Babar Lal
48. Shri Sunsilal Bhari
49 Shri Ummed Ram Kushwa
50. Shri Hummat Malavi
51 Shri Sunder Singh
52. Shri Abhaya Singh
53 Shri Om Prakash Parmar
54 Shri Bachan Singh Solanki
55 Shri Jhallu Ram
56. Shri Ram Singh
57 Shri Surinder Theira
58 Shri Som Dutt
59 Shri Amrit Lal
60. Shri Mool Chand
61 Shri Kishan Giri Goswami
62. Shri Goverdhan Saini
63 Shri Jagdish Prasad
64 Shri Haridas
65. Shri Bhim Raj Talk
66. Shri Hari Ram Bedi
67. Shri Ram Chander
68. Shri Madho Prakash
69 Shri Bodh Raj
70. Shri Parasmani Jangra
71. Shri Moti Singh
72. Shri Champa Lal Dakar
73 Shri Rattan Lal
74 Shri Mangal Prasad
75 Shri Bansi Lal
76 Shri Madho Prakash Patel
77 Shri R. S Dhariwal
78 Shri Govind Singh
79 Shri Josh
80 Shri Sahai
81 Shri Parmar
82. Shri Joshi

NOTE —3 persons who gave evidence did not identify their names

SIKKIM

21-5-1980 to 23-5-1980

1 Shri D P Rajan
2. Shri Subha
3. Shri Johar Mal Rai
4 Shri Abirman Tamang
5 Shri Chet Kumar Pradhan
6 Shri Pampo Thandup
7 Shri Marka Bahadur Gurang
8 Shri Motilal Ram
9 Shri Beelbetamany
10 Father Joseph Cannath
11 Shri Sham Chaman Limbo
12 Shri Pradeep Young-Zang
13 Shri Pradhan

NOTE —5 persons who gave evidence did not identify their names

TAMILNADU

26 6 1979 to 30 6 1979

1 Shri Latif
2 Shri K. Kasalram
3 Shri Arunachalam
4 Shri Muthusamy Karyalar
5 Shri Anbalgam
6 Shri Lakshminarayanan
7 Shri Balkrisnan
8 Shri A. R. Raghwan
9 Shri Chidabaram
10 Shri Sundara Rajan
11 Shri S S Veeramani
12 Prof. Devarajan
13 Shri V P Chettiar
14 Shri Sundara Murthy
15 Shri S Ganeshan
16 Shri Veera Annal Muthu
17 Shri Thyagarajan
18 Shri Krishna Swamy
19 Shri P Vishwanathan
20 Shri S. Margabandhu
21 Shri A K. Arangnathan
22 Shri Chandran
23 Shri Annamalai
24 Shri V K. Muthuswamy
25 Shri P C S Vaiyapuri
26 Shri M Paruatharajan
27 Shri R. Govindarajan
28 Shri Sundara Rajan
29 Shri Periaswamy
30 Shri Govindan
31 Shri Swayam Prakasam
32 Shri E Deraaraja
33 Shri Kodapillai
34 Shri S Yesudasan
35 Shri Govindrajan
36 Shri P V Samungham
37 Shri Suryanarayan
38 Shri K. Subaya Konar

NOTE —15 persons who gave evidence did not identify their names

UTTAR PRADESH

6-9 1980 to 12-9 1980

1 Shri Chhedi Lal Sathi
2 Shri Roop Nath Singh Yadav
3 Shri V P Yadav

4 Shri Charan Singh Mohaniya
5 Shri Shankar Lal Prajapati
6 Shri Chandarwal Bharti
7 Shri Raghubar Dayal Verma
8 Shri B D Khan
9 Shri Ali Mohd Ravi
10 Shri Babu Lal
11 Shri Ram Swarup
12 Shri Ram Kishan Verma
13 Shri D N Singh Verma
14 Shri Badan Singh
15 Shri Nathi Lal Bhauri
16 Acharya Divakar Prohit
17 Shri Mahipal Singh
18 Shri S C Rastogi
19 Shri I C Vatsa
20 Shri Mohan Swarup
21 Dr B L Gupta
22 Dr S N Mehrotra
23 Dr R P Pande
24 Shri Rajeshwar Prasad
25 Dr Kusam Pathak
26 Smt Sushila Rohtagi
27 Dr J Prasad
28 Shri Tara Chand Rohera
29 Shri Jagdish Avasthi
30 Shri Siya Ram Singh
31 Shri Ram Narain Tripathi
32 Shri Jagdish Verma
33 Shri Ram Gulam Sahu
34 Shri Badri Prasad
35 Shri Ved Prakash Arya
36 Shri Mahavir Prasad
37 Shri Banwari Lal
38 Shri Shyam Lal Sharma
39 Shri Devki Nandan
40 Shri Rajan
41 Shri S V Verma
42 Shri Ramotar Sharma
43 Shri Moti Lal Dehalavi
44 Shri Ram Prasad
45 Shri Guru Prasad
46 Shri Rajendra Kushwah
47 Shri Ramswarup Naik
48 Shri Abdul Gani
49 Shri D R Singh Pal
50 Shri Bhajan Lal Kinkar
51 Shri Mange Singh Kostha
52 Shri Bhagwati Prasad
53 Shri Mangli Prasad
54 Shri Ganga Ram
55 Shri Ram Gopal
56 Shri Mallu
57 Shri Kamta Prasad
58 Shri Raja Ram
59 Shri C L Sahu
60 Shri Ram Singh
61 Shri Shiv Prasad
62 Shri Mahabir Prasad
63 Dr Raj Kamal Yadav
64 Shri Madan Kumar Tripathi
65 Shri Madhu Prasad
66 Shri Banwari Lal Yadav
67 Shri Ram Deo Prasad
68 Shri R K Prasad
69 Shri Dinesh Mishra
70 Shri Lal Chand Nishad
71 Shri Shafiullah
72 Shri Saryu Prashad
73 Shri Srikant Tripathi
74 Shri Srikrishan Yadav
75 Shri Adya Prasad Yadav
76 Shri Rajender Nath Mishra
77 Shri Shyam Sunder
78 Shri Sewak Ram
79 Smt Kishori Shukla
80 Shri Harihar Prasad
81 Shri Paras Nath
82 Shri Ghanshyam Yadav
83 Shri Ramavtar
84 Shri Nand Lal
85 Shri Dina Nath Thathera
86 Shri Lallan
87 Shri Subhash
88 Shri Shiv Shankar Pande
89 Shri Bal Ram
90 Shri Ramakant
91 Shri P L Shukla
92 Shri A. K Mishra
93 Shri S K. Khare
94 Shri Ram Lakhan
95 Shri S S Yadav
96 Shri Parmanand Yadav
97 Shri Loknath Singh
98 Shri Chet Narain Prasad
99 Ch Lalita Prasad
100 Shri Ram Lakhan Seth Shastri
101 Shri Ram Rattan Bind
102 Shri Vijay Kumar Viskarma
103 Shri Akshay Nand Singh
104 Shri Babu Lal
105 Shri Kailash Nath
106 Shri Ramji Gupta Dhiraj
107 Dr Ved Prakash
108 Shri Jagan Nath Yadav
109 Shri Madan Lal
110 Shri K C Bansal
111 Shri Harish Chander
112 Smt J Chandra
113 Shri C P Singh
114 Shri Bhairo Prasad
115 Shri K. C Gupta
116 Shri Shayam Lal
117 Shri Rajendra Kumar
118 Shri M Jubedi
119 Shri Ram Bachan Yadav
120 Shri Jalil Ahmed
121 Shri Badru Ram Rasiq
122 Shri S. D Singh Chaurasia
123 Shri Ashok Yadav
124 Shri Kesho Ram Verma
125 Shri Nepal Singh Kashyap

126 Shri Shom Nath
127 Shri Ramaved
128 Smt Kamla Sahni
129 Shri Malik Qureshi
130 Shri Venath Pal
131 Shri Nirankar Nath Savita
132 Shri Gopal Das Patwa
133 Shri Siya Ram Yadav
134 Shri Ramautar Pal
135 Shri Chandan Singh Lunia
136 Shri Shiv Prasad Yadav
137 Shri Ramesh Kumar Pal
138 Shri Mehendra Singh
139 Shri Ashok Khurana
140 Shri M P Singh
141 Shri R B Sexena
142 Shri Indu Prakash Arora
143 Shri Kumar Inqilabi
144 Shri Nand Prasad
145 Shri Noor Ahmed
146 Shri Mohd Yasin
147 Shri Shiv Raj Giri
148 Shri Lakha Singh
149 Shri Ramswarup Sahdev
150 Shri Shiv Narain Singh Negi
151 Shri B Rehman
152. Shri Syed Ahmed
153 Shri Bhagi Ram
154 Shri Abdul Gaffur
155 Shri Abdul Hamid Ansari
156 Shri Shakir Bharti
157 Shri Shyam Lal Verma
158 Shri Behari Lal
159 Shri Shivkumar Sharma
160 Shri Ramesh Dutt Sharma
161 Shri Sudesh Pant
162 Shri N S. Napalchyal
163 Shri D D Kapri
164 Shri K. C Sharma
165 Shri B R. Gupta
166 Shri N S Mathur
167 Shri Zamir Zaffar Ali
168 Shri Vafa-ur-Rahman
169 Shri Roop Nath
170 Shri Devi Lal Shah
171 Shri Himayat Hussain
172 Shri Govind Lal
173 Shri Jagdish Joshi
174 Shri Mathura Nath
175 Shri Bashir Ahmad Ansari
176 Shri Jiwan Nath Goswami
177 Shri Daya Shankar Tamta
178 Shri Hari Charan Balmiki
179 Smt. Sarswati Tamta
180. Shri D K. Verma
181. Shri B P Singh
182. Shri R. N L. Gupta
183 Shri R. C Pant
184 Shri L. N Agarwal
185 Dr D S Karnataka
186 Shri R. S Bhandari
187 Shri S. K. Das
188 Shri Banabir Singh
189 Shri Mahesh Chandra Trivedi
190 Shri R. R. Gupta

WEST BENGAL

23-6 1980 to 26 6 1980

1 Shri Subhendu Mandal
2 Shri M Shah
3 Shri Pashupati Mishra
4 Shri P Mahato
5 Shri M K Sarkar
6 Shri H K. Saha
7 Shri M C Sarkar
8 Shri Raja Ram Singh
9 Shri D N Mandal
10 Shri Asutosh Ghosh
11 Shri Bijay Mandal
12 Shri Khudi Ram Mahato
13 Shri Gyanendra Nath Mahto
14 Shri Pashupati Mahato
15 Shri Gure Chand Mandal
16 Shri Ishwar Majhi
17 Dr K. C Chaudhary
18 Pt. C C Panda
19 Shri Mohini Mohan Pandy
20 Shri Udaseen Mahajan
21 Shri A. Roy
22. Shri Nabani Gaur
23 Shri Ram Kundu
24 Shri Pawan Chand Dey
25 Shri Narayan Chaudhry
26 Shri Tarun Kanti Ghosh
27 Shri Shambo Nath Ghosh
28 Shri Bhola Nath Layik
29 Shri A. K Sadhukan
30 Shri Gopal Sadhukhan
31 Shri Durga Dass Sinai
32 Shri Devender Kumar Lahi
33 Shri N K. Karamkar
34 Shri Satya Sadhu Dey
35 Shri Subhe Chander Lai
36 Shri Saiba Dass
37 Shri Bimal Kumar Mandal
38 Shri Manik Chand Hazara
39 Shri Panchu Ram Purokait
40 Shri Ram Prasad Mandal
41. Shri Gulam Mustafa Mandal
42 Shri Bal Ram Pramanik
43 Shri Subroto Kumar Ghosh
44 Smt. Khatun
45 Shri Abdul Kammala
46 Shri Seth Daulat Ali
47 Shri Zaman
48 Shri Abdul Kamal Zamal
49 Shri A. N Saha
50 Shri Sarat Mallik
51 Shri B Nath
52 Shri Krishna Swami
53 Shri Neel Rattan Sinha
54 Shri Shutranjan Dass

55 Shri Vaishyo Kapil
56 Shri Gour Mohan Sheir
57 Shri Ram Krishna
58 Shri Uni Kumar
59 Shri Vidhya Charan
60 Shri Samar Hajrat
61 Shri A K. Maitra
62 Shri Shambhu Nath Paul
63 Shri N G Sinha
64 Shri Basant Kumar Biswas
65 Shri Rishi Kumar Haldar
66 Shri Gopi Krishna Mazumdar
67 Shri Profulla Kumar Bharati
68 Shri Bhabani Mitra
69 Shri Mohamad Abdul Mallick
70 Shri Deo Prakash Rai
71 Shri P R. Pradhan
72. Shri Prem Aley
73 Dr G S Yonzohe
74 Prof I. B Rai
75 Smt. Snehalata Mahato
76 Shri Ramesh Mahato
77 Shri Pankaj Kumar Mandal
78 Shri Sukdeb Bhoumik
79 Shri A. N Saha
80 Shri Pasupati Mahato
81 Shri Rajaram Singh
82. Shri P R. Mahato
83 Shri Renupada Garai
84 Shri Ranjit Mandal
85 Shri Anil Kumar Sadhukhan
86 Shri Monoranjan Roy
87 Shri Monomohan Deb Nath
88 Shri Bhupati Majumdar
89 Shri Nagendra Kumar Bhumik
90 Shri Pashupati Mahato
91. Shri Satya Ranjan Das
92 Shri Gaur Mohan Sarkar
93 Shri Padma Lochan Dey
94 Shri Shasthi Charan

NOTE —2 persons who gave evidence did not identify their names

CHANDIGARH

14-5-1979

1 Shri Virendra Singh
2 Shri Verma
3 Shri Shanker Lal
4 Shri R. K Saini
5 Shri Ram Nivas Verma
6 Shri Kundan Lal Verma
7 Shri S. D Bhambri
8. Shri Virendra Nath
9. Shri Kateria
10. Shri Krishan Lal
11. Shri M P Verma
12. Shri R. K. Verma
13 Shri Bal Krishan

NOTE —2 persons who gave evidence did not identify their names.

DELHI

18-5-1979

1 Shri Satya Narain Bansal
2 Shri Amia Rao
3 Shri Ram Lal
4 Shri Mehar Chand Yadav
5 Shri Radha Krishan Guru
6 Shri Vijay Kumar Jain
7 Shri Mam Raj
8 Shri Ramji Lal
9 Shri Radheshyam Khanna
10 Chaudhary Brahma Prakash
11 Shri Madan Lal Khurana
12 Dr Prasant Kumar
13 Shri Sisodia
14 Shri A K Jain
15 Chaudhary Bharat Singh
16 Shri Prem Sukh
17 Shri Shyama Charan Gupta

GOA, DAMAN & DIU

25-7 1980

1 Shri Agha Ashraf
2 Shri Ferdino Rebello
3 Shri Guru Shirodkar
4 Shri Joaquim Fernandes
5 Shri Rao
6 Shri Balram Nipainkar
7 Shri Narayan V Mandrekar
8 Shri Edward Faluro
9 Shri J C Almeida

PONDICHERRY

28-6-1979

1 Shri Suganandam
2 Shri Amalorpavan
3 Shri Ramalingam
4 Shri Kabeerdass
5 Shri Mohd Hassan
6 Shri Subramaniam
7 Shri Neelkantan
8 Shri Ganeshan
9 Shri Prasad
10 Shri Natarajan
11 Shri Duraisamy Ansari
12 Shri C Narayana Samy

OTHERS

		Date of Meeting
1	Shri Samar Brahma Choudhury	(i) 10-3 1980 (ii) 11-3-1980
2	Shri Charan Narzary	(i) 10-3-1980 (ii) 11-3-1980
3	Lt. B K. Basumatari	(i) 10-3-1980 (ii) 11-3-1980
4	Shri K C Basumatari	(i) 10 3 1980 (ii) 11-3-1980
5	Shri P Brahma	(i) 10-3-1980 (ii) 11 3 1980
6	Shri Shyam Manohar	(i) 10-3 1980 (ii) 11 3 1980

7	Shri Basant Kumar Bhati	24-9-1980
8	Shri Ram Dayal Meena	24-9-1980
9	Shri Om Prakash Batham	24-9-1980
10.	Shri Hira Lal Meena	24-9-1980
11	Shri N C. Meena	24-9-1980
12.	Shri Kailashi Lal Bhagat	24-9-1980
13	Shri Johri Mal	23-9-1980
14	Shri Sohan Pal Singh	23-9-1980
15	Shri Mahavir Prasad	23-9-1980
16	Shri Kawal Krishn	23-9-1980
17	Shri Shafik Ahmed	23-9-1980
18	Shri Tota Ram	23-9-1980
19	Shri Goverdhan Das	23-9-1980
20	Shri Mohd Saddik	23-9-1980
21	Shri Matadin	23-9-1980
22	Shri Balkar Chand	23-9-1980
23	Shri Bodh Ram	23-9-1980
24	Shri Ram Pal Singh	23-9-1980
25	Shri Debi Singh Jadodia	23-9-1980
26	Shri Jokhai Prasad	23-9-1980
27	Shri Jokhan Prasad	23-9-1980
28	Shri Jagwant	23-9-1980
29	Shri Pyara Singh	23-9-1980
30.	Shri Budh Ram	23-9-1980
31.	Shri Mehfooz Ahmed	23-9-1980
32.	Shri Aziz Ahmed	23-9-1980
33	Shri Mohemmod Tahir	23-9-1980
34	Shri Khalil Ahmed	23-9-1980
35	Shri Shoukat Ali	23-9-1980
36	Shri Hukam Chand	23-9-1980
37	Shri Chandra Bhan	23-9-1980
38	Shri Chheda	23-9-1980
39	Shri Bhagwan Das	23-9-1980
40	Shri Bal Kishan	23-9-1980
41	Shri Bishember	23-9-1980
42.	Shri Manjoor Ahmed	23-9 1980
43	Shri Sagar Mal	23-9-1980
44	Shri Sampat Ram	23-9-1980
45	Shri Suraj Bhan	23-9-1980
46.	Shri Lachman Das Sathi	23-9-1980
47	Shri Pralad Singh	23-9-1980
48	Shri Pyara Singh	23-9-1980
49	Shri Parhlad Singh	23-9-1980
50	Shri Onkar Mal	23-9-1980
51	Shri Laxman Das Shastri	23-9-1980
52.	Dr S V Subramaniam	8-10-1980
53	Shri T Manivannan	8-10-1980
54.	Shri P V S. Mani	8-10-1980
55	Shri C. K. Shamugam	8-10-1980
56	Shri V G Ramadas	8-10-1980
57	Shri T. Ayyasami	8-10-1980
58	Mrs. Lakshmi Kanthammal	8-10-1980
59	Mrs Lakshmi Subramaniam	8-10-1980
60	Shri C K. Chinnasami	8-10-1980
61	Shri R. Dhakshina Murthy	8-10-1980
62.	Shr B Muthu	8-10-1980
63.	Shri C. Velusami	8-10-1980
64	Shri B. Prasada Rao	8-10-1980
65	Shri M B Kumar	8-10-1980
66	Shri V M. Ramesh	8-10-1980
67	Shri M S. Narasimha	8-10-1980
68	Shri K. Venkata Swamy	8-10-1980
69	Dr Nirmala	8-10-1980
70	Shri Ch. Gopaiah	8-10-1980
71	Shri K Yellaiah	8-10-1980
72	Shri J Narasimha	8-10-1980
73	K Mallaiah	8-10-1980
74	Shri E Jungaiah	8 10-1980
75	Shri T Sankaraiah	8-10-1980
76.	Shri P Yellaiah	8-10-1980
77	Shri M Maisaiah	8-10-1980
78	Shri A. Narahari Rao	
79	Shri K. Ramulu	8-10-1980
80	Shri D Sailu	8-10-1980
81	Shri T Sivalingam	8-10-1980
82	Shri T R. Raju	8-10-1980
83	Shri R. Sanjeevi	8-10-1980
84	Shri Krishna Kumar Giriyolkar	8-10-1980
85	Shri M Vijayagopal	8-10 1980
86	Shri M Shammugam	8-10-1980
87	Shri M S Narosh	8-10-1980
88	Shri D Venkateshwarlu	8-10-1980
89	Shri S K. Jeyarhaj	8-10-1980
90	Smt. T R. Raju	8-10-1980

D List of Experts

		Date of Meeting
1	Prof. M S A. Rao	18-4-1979
2	Prof S N Ranade	18-4-1979
3	Dr K. D Gangarade	18-4-1979
4	Dr B V Baviskar	18-4-1979
5	Dr Badguyan	18-4-1979
6	Dr V C Chanana	18-4-1979
7	Prof. Marwaha	18-4-1979
8	Prof J S Bhandari	18-4-1979
9	Prof J D Mehra	18-4-1979
10	Prof V V John	18-4-1979
11	Prof Bhalla	18-4-1979
12	Shri D R Goyal	18-4-1979
13	Shri S P Kaul	18-4-1979
14	Shri K. Guha	18-4-1979
15	Shri P D Khera	21-4-1979
16	Shri J S Yadav	21-4-1979
17	Prof M N Srinivas	16-7-1979 to 20-7-79
18	Dr Inder Deva	16-7-1979 to 20-7-79
19	Dr M S A. Rao	16-7-1979 to 20-7-79
20	Dr Roy Burman	16-7 1979 to 20-7-79
21	Shri L G Havanur	16-7-1979 to 20-7-79
22	Prof Pradhan Prasad	16-7-1979 to 20-7-79
23	Dr S Bheemappa	(i) 12-5-1980 to 14 5 80 (ii) 18-11-1980

APPENDIX VI

SC/ST CANDIDATES SELECTED FOR THE IAS/IPS ON MERIT BASIS FROM 1969—78

Copy of D O letter No 13011/18/80-AIS(I) dated 30th June, 1980 from Shri D C Mishra, Director, Department of Personnel and Administrative Reforms to Shri S S Gill, Secretary, Backward Classes Commission —

Please refer to your D O No 5/10/79 BCC dated the 20th June, 1980 regarding representation of SC/ST candidates in the All-India Services during the last ten years The information required by you in respect of Indian Administrative Service and the Indian Police Service is given below —

1 Indian Administrative Services

Year of Exam	Name	Whether SC or ST	IAS Rank	Rank of last General Candidate
1969	A. K Jadhav	SC	28	81-C
1970	—	—	—	—
1971	Smt C T Dawood	ST	67	122-A
	Km Sushama Dayal	ST	118	122-A
1972	J P Dange	SC	91	106-C
	Sukhbilas Barma	SC	102	106-C
1973	Piara Ram	SC	53	135
	S S Kapur	ST	117	135
1974	V Gunasekaran	SC	110	118-B
1975	D C Lakha	SC	81	136-B
1976	—	—	—	—
1977	—	—	—	—
1978	Km Emily Das	SC	48	111-A

2. Indian Police Service

Year of Exam	Name	Whether SC or ST	IPS Rank	Rank of last General Candidate allotted to IPS
1969	D R Bhatti	SC	96	86
1970	—	—	—	—
1971	S P Kazal	SC	97	136
1972	—	—	—	—
1973	Lalthara	ST	20	152
1974	—	—	—	—
1975	K V S Murthy	SC	31	Supplementary —12
	Ashok Thakur	ST	83	Supplementary —12
1976	—	—	—	—
1977	—	—	—	—
1978	C Thangthuam	ST	111	92

APPENDIX VII

CRITERIA FURNISHED TO CENTRAL GOVERNMENT OFFICES FOR IDENTIFYING O.B.C. EMPLOYEES FOR BOTH HINDU AND NON-HINDU COMMUNITIES

No 8/3/79-BCC

GOVERNMENT OF INDIA

BACKWARD CLASSES COMMISSION

S.S. GILL
Secretary

25th April, 1979

SUBJECT Information regarding employees belonging to Other Backward Classes

Ref D O letter No 17020/5/79/SC&BCD-I dated 19th March 1979

Dear Shri

In my D O letter under referance I had requested for the supply of information regarding the total number of employees belonging to Other Backward Classes working in your Ministry

2. Though a number of State Governments have drawn up lists of Other Backward Classes, no such lists have been compiled by the Central Government. In fact, the first term of reference of Backward Classes Commission pertains to the defining of criteria for determining Backward Classes As the desired criteria could be evolved only after extensive field surveys and examination of data called from various agencies, the Commission itself is also not in a position to indicate specific and well considered criteria for defining Backward Classes.

3 In view of the above difficulties and looking to the urgency of obtaining information regarding the employment of members of Backward Classes under the Central Government, the Commission has decided to lay down the following rough and ready criteria on purely *ad-hoc* basis

4 Article 340 of the Constitution refers to "socially and educationally" backward classes. The following test may, therefore, be applied to determine socially and educationally backward classes —

(*a*) *In respect of employees belonging to the Hindu Communities*

(*i*) an employee will be deemed to be socially backward if he does not belong to any of the three twice borne (Dvij) Varnas' i.e he is neither a Brahmin, nor a Kshatriya/nor a Vaishya, and

(*ii*) he will be deemed to be educationally backward if neither his father nor his grand father had studied beyond the primary level.

(*b*) *Regarding the non-Hindu Communities*

(*i*) an employee will be deemed to be socially backward if either

(1) he is a convert from those Hindu communities which have been defined as socially backward as per para 4(a)(i) above, or

(2) in case he is not such a convert, his parental income is below the prevalent poverty line, i e Rs 71/- per head per month.

(*ii*) he will be deemed to be educationally backward if neither his father nor his grand father had studied beyond the primary level

5 It may please be noted that an employee will qualify for membership of Other Backward Classes only if, *both* socially and educationally, he is found to be backward according to the above criteria

6 It is further requested that, to expedite the work of compilation, the desired information may be sent in two instalments, i e

(1) Information regarding your Ministry/Department may be sent within a period of one month, and

(2) Information pertaining to the subordinate and attached offices and other organisations, as well as public sector undertakings, under the charge of your Ministry may be sent by the end of June, 1979

7 A slightly modified proforma for compiling the desired information is enclosed

Yours sincerely,
Sd/-
(S S. GILL)

All Ministries/Departments of
the Central Government

APPENDIX VIII

STATEMENT NO 1

REPRESENTATION OF OTHER BACKWARD CLASSES, SCHEDULED CASTES/SCHEDULED TRIBES IN CENTRAL GOVERNMENT SERVICES

	Class I			Class II			Class III & IV			All Classes		
	Total	SC/ST	OBC	Total	SC/ST	OBC	Total	SC/ST	OBC	Total	SC/ST	OBC
1 Ministries/Departments	11707	840 (7 18)	303 (2 59)	43803	5985 (13 66)	1742 (3 98)	17829	5518 (30 95)	1500 (8 41)	13339	12343 (16 83)	3545 (4 83)
2 Autonomous Bodies Attached & Subordinate Offices	81325	5399 (6 64)	4147 (5 09)	503337	91431 (18 16)	59079 (11 74)	322948	67118 (20 78)	67786 (20 98)	907610	163948 (18 06)	131012 (14 43)
3 Public Sector Undertakings	80994	3652 (4 51)	3719 (4 59)	365785	68566 (18 74)	36242 (9 91)	143910	45646 (31 72)	22689 (15 77)	590689	117864 (19 95)	62650 (10 61)
4 Total	174026	9891 (5 68)	8169 (4 69)	912925	165982 (18 18)	97063 (10 63)	484687	11282 (24 40)	91975 (18 98)	1571638	294155 (18 72)	19720 (12 55)

NOTE Figures in brackets represent percentages

STATEMENT No 2

REPRESENTATION OF OTHER BACKWARD CLASSES, SCHEDULED CASTES/SCHEDULED TRIBES IN CENTRAL GOVERNMENT SERVICES

(MINISTRIES AND DEPARTMENTS)

Ministry/Department	Class I			Class II			Class III & IV			All Classes		
	Total	SC/ST	OBC	Total	SC/ST	OBC	Total	SC/ST	OBC	Total	SC/ST	OBC
1 *President's Secretariat*	*49*	4		*162*	*24*		*96*	19		307	47	
2. Vice-President's Secretariat	7			16	1	1	11	4		34	5	1
3 Prime Minister's Office	35	2	1	117	13	4	61	19	2	213	34	7
4. Cabinet Secretariat	20	1	1	115	19	13	61	18	8	196	38	22
5 Agriculture and Irrigation.	261	15	13	220	15	3	73	19	3	554	49	19
6. *Atomic Engery* . .	*34*			*82*	*1*		*214*	42	*4*	*330*	43	*4*
7 Commerce, Civil Supplies and Cooperation	61	11		211	32	.	63	20	3	335	63	3
8 Communications . .	52	5	..	130	6	..	43	7	1	225	18	1
9 Defence .	1379	48	9	7752	803	187	2127	604	131	11258	1455	327
10. Education and Social Welfare . .	259	17	4	851	96	23	278	76	12	1388	189	39
11 Electronics . .	92	1	2	198	46	5	55	29	2	345	76	9
12. Energy . .	641	39	20	2332	253	132	1449	335	276	4422	627	428
13 External Affairs . .	649	60	1	1889	162	5	460	73	10	2998	295	16
14. Finance . .	1008	66	1	2724	306	11	821	202	13	4553	574	25
15 Health and Family Welfare .	240	19	.	1506	163		288	72		2034	254	
16. Home Affairs	409	19	13	1301	140	27	1164	272	33	2874	431	73
17 *Industry* . .	*169*	*16*	*3*	*510*	*42*	*8*	*252*	*103*	*11*	*931*	*161*	22
18 Information and Boardcasting	2506	212	124	9416	1795	740	4583	1653	483	16505	3660	1347
19 Law, Justice & Company *Affairs*												
(*i*) Legal Affairs .	143	18	5	725	112	25	319	96	30	1187	226	60
(*ii*) Legislative Affairs	112	14	2	263	41	7	104	27	15	479	82	24
(*iii*) Company Affairs	247	23	6	1114	151	53	320	80	23	1681	254	82
20 Labour . .	*74*	4	.	*274*	20	*1*	101	18	2	449	42	2
21 Parliamentary Affairs	18	1	.	68	11	1	26	8	1	112	20	2
22. Petroleum and Chemicals .	121	9		97	9		36	16		254	34	
23. Planning . .	1262	137	72	4657	614	234	998	226	52	6917	977	358
24. Science and Technology	101	5	1	175	21	9	55	28	7	331	54	17
25 Shipping and Transport . .	*103*	*6*	*1*	*426*	*66*	*3*	*143*	43	*1*	672	*115*	5
26. Space	19	..		49	3	7	20	10	3	88	13	10
27 Steel and Mines .	128	11	3	370	31		131	49	4	629	91	7
28 *Supply* and Rehabilitation .	103	6	1	426	66	3	143	43	1	672	115	5
29 Tourism and Civil Aviation . . .	1187	61	20	4820	845	231	3178	1275	290	9185	2181	541
30. **Work and Housing** .	218	10		807	78	9	156	32	80	1181	*120*	89
TOTAL . . .	11707	840	303	43803	5985	1742	17829	5518	1500	73339	12343	3545

STATEMENT NO 3

REPRESENTATION OF OTHER BACKWARD CLASSES, SCHEDULED CASTES/SCHEDULED TRIBES IN AUTONOMOUS BODIES ATTACHED AND SUBORDINATE OFFICES

Ministry/Department	Class I			Class II			Class III & IV			All Classes		
	Total	SC/ST	OBC	Total	SC/ST	OBC	Total	SC/ST	OBC	Total	SC/ST	OBC
1 Accountant General Central Revenues	12457	1330	844	37967	9030	3288	7534	2236	831	57958	12596	4963
2 Agricultural and Irrigation	4274	353	173	8786	1604	773	7816	2399	1423	20876	4356	2369
3 Atomic Energy	658	4	11	228	2	11	1581	353	88	2467	359	110
4 Central Vigilance Commission	75	8	13	40	6	16	34	17	15	149	31	44
5 Commerce Civil Supplies and Cooperation	702	80	6	3215	495	75	1697	339	38	5614	914	119
6 Communications	474	39	6	2293	517	166	616	238	134	3383	794	306
7 Education and Social Welfare	6722	283	218	16594	1399	1371	14676	4107	1838	37992	5789	3427
8 Electronics	101	1	2	137	25	4	15	6		253	32	6
9 Election Commission of India	26		1	134	21	1	54	21		214	42	2
10 Energy	589	24	10	708	73	20	173	33	12	1470	130	42
1 External Affairs	90	3	4	799	143	37	187	73	37	1076	219	78
12 Finance	9155	764	379	55546	9309	3722	22858	5243	3805	87559	15316	7906
13 Health & Family Welfare	3550	179	47	13820	1175	498	16693	3720	720	34063	5074	1265
14 Home Affairs	5187	334	113	189250	34407	20593	19538	7723	2650	123975	42464	23356
15 Industry	6721	197	641	49332	16103	14718	120982	15862	36188	177035	32162	51547
16 Information & Broadcasting	1745	212	124	6694	1358	746	3481	1346	491	11920	2916	1361
17 Labour	2373	214	118	9869	1363	1013	4553	1345	691	16759	2922	1822
18 Petroleum and Chemicals	802	23	7	1842	133	78	653	150	71	3297	306	156
19 Scheduled Caste/Scheduled Tribe Commission	10	1		16	1		5	5		31	7	
20 Science and Technology	7390	202	242	21805	3117	1897	11445	3250	1928	40640	6569	4067
21 Shipping and Transport	4092	271	750	27295	2722	5918	56484	10126	12925	87871	13119	19548
22 Space	3193	14	184	5044	294	764	1336	363	183	9573	671	1131
23 Steel and Mines	2495	121	73	9510	1299	434	5375	783	455	17380	2203	962
24 Supply and Rehabilitation	1238	99	42	9873	1371	544	4091	991	442	15202	2461	1028
25 Tourism and Civil Aviation	1553	208	38	4136	705	442	1585	531	224	7274	1444	704
26 Union Public Serivce Commission	163	12	3	732	134	18	256	113	22	1151	259	43
27 Works and Housing	5490	423	143	27672	4625	1932	19230	5745	2575	52392	10793	4650
TOTAL	81325	5399	4147	503337	91431	59079	322948	67118	67786	907610	163948	131012

STATEMENT No 4

REPRESENTATION OF OTHER BACKWARD CLASSES, SCHEDULED CASTES/SCHEDULED TRIBES IN PUBLIC SECTOR UNDERTAKINGS

Ministry/Department	Class I			Class II			Class III & IV			All Classes		
	Total	SC/ST	OBC	Total	SC/ST	OBC	Total	SC/ST	OBC	Total	SC/ST	OBC
1 Agriculture and Irrigation	1146	77	66	4258	521	428	3405	838	518	8809	1436	1012
2. Atomic Energy	58	2		107		1	2390	1059	171	2555	1061	172
3 Commerce, Civil Supplies and Cooperation	1724	95	66	4375	536	558	1130	234	180	7229	865	804
4 Communications	4474	260	373	12143	2223	2333	4806	1798	419	21423	4281	3125
5 Education and Social Welfare	707	12	125	1297	110	325	603	192	218	2607	314	668
6 Energy	5070	178	41	13086	677	920	9258	1934	767	27414	2789	1728
7 Health and Family Welfare	35	2		480	72		222	61		737	135	
8 Industry	2041	161	88	6054	781	551	2709	781	371	10804	1723	1010
9 Petroleum and Chemicals	16217	785	323	41464	4307	3204	16326	4082	1856	74007	9174	5383
10 Science and Technology	148	3	2	509	82	30	93	30	10	750	115	42
11 Shipping and Transport	3044	142	116	11536	1365	1150	47516	6310	9228	62096	7817	10494
12. Steel and Mines	37877	1297	2451	250164	54843	26390	43403	24010	8714	331444	80150	37555
13 Tourism and Civil Aviation	7923	605	59	18995	2801	341	11305	4084	237	38223	7490	637
14 Works and Housing	530	33	9	1317	248	11	744	233		2591	514	20
TOTAL	80994	3652	3719	365785	68566	36242	143910	45646	22689	590689	117864	62560

APPENDIX IX

LIST OF MEMBERS OF PARLIAMENT WHO ATTENDED THE MEETINGS HELD FROM 31ST MARCH TO 8TH MAY, 1979

Andhra Pradesh

1 Smt. B. Radhabai Ananda Rao
2 Shri Chadalavada Venkatrao
3 Shri K S Narayana
4 Shri G Mallikarjuna Rao
5 Shri B P Maurya
6 Shri M Nageswar Rao
7 Shri S R A S Appalanaidu
8 Shri T Balakrishnaiah

Assam

9 Shri I H Khan

Bihar

10 Shri Hukamdeo Narain Yadav
11 Shri Ramlakhan Prasad Gupta
12 Shri Ramanand Yadav
13 Shri Vinayak Prasad Yadav

Gujarat

14 Shri Ahsan Jafri
15 Shri Chhitubhai Gamit
16 Shri H B Mahida

Haryana

17 Smt Chandravati
18 Shri Manohar Lal Saini

Jammu & Kashmir

19 Smt. Parvati Devi

Karnataka

20 Shri B Janardhana Poojary
21 Shri K B Choudhari
22 Shri L. R. Naik
23 Shri G Y Krishnan

Madhya Pradesh

24 Shri B R. Manhar
25 Shri Bharat Singh Chowhan
26 Shri Govindram Miri
27 Smt Jamuna Devi
28 Shri Narhari Prasad Sai
29 Shri D P Shah

Maharashtra

30 Shri V P Naik

Manipur

31 Shri Kaiho

Meghalaya

32. Shri Alexander Warjri
33 Shri H. S Lyngdoh
34 Shri P A. Sangma

Nagaland

35 Shri Khyomo Lotha
36 Smt Rano M Shaiza

Orissa

37 Shri C M Sinha
38 Shri K Pradhani

Rajasthan

39 Shri Chaturbhuj
40 Shri Nathu Singh
41 Shri N R. Mirdha

Sikkim

42 Shri C B Chhetri
43 Shri L. S. Saring

Tamil Nadu

44 Shri K. Ramamurthy
45 Shri K. T Kosalram
46 Dr P V Periasamy
47 Shri R. Kolanthaivelu

Tripura

48 Shri B C Deb Burman
49 Shri S L. Singha

Uttar Pradesh

50 Smt. Hamida Habibulla
51 Shri Chandan Singh
52 Shri Daya Ram Shakya
53 Shri F A. Ansari
54 Shri Manohar Lal
55 Shri Mangal Deovisharad
56 Shri Kunwar Mahmud Ali Khan
57 Shri Mohan Lal Pipil
58 Shri P L. Kureel
59 Shri Ram Lal Kureel
60 Shri R. D Shastri
61 Shri Ram Kinkar
62 Smt. Mohsina Kidwai
63 Shri R. S Verma
64 Shri Roop Nath Singh Yadav
65 Shri Shyam Lal Yadav
66 Shri Surendra Bikram

West Bengal

67 Shri Krishna Chandra Halder
68 Shri K. B Chettri
69 Shri Mukunda Mandal

Delhi

70 Shri Brahm Prakash Chaudhury

Goa, Daman & Diu

71 Amrut Kansar

Pondicherry

72 Shri V P Munusamy

APPENDIX X

LIST OF MEMBERS OF PARLIAMENT WHO ATTENDED THE MEETINGS HELD FROM 1ST TO 4TH JULY, 1980

Andhra Pradesh

1 Shri B Rajagopala Rao
2. Shri B Satyanarayan Reddy
3 Shri G Swamy Naik
4 Shri N G Ranga
5 Shri P Rajagopal Naidu
6 Shri P Shiv Shankar
7 Shri S. R. A. S. Appalanaidu

Bihar

8 Shri A. K. Roy
9 Prof Ajit Kumar Mehta
10 Shri C S Singh
11 Shri D L Baitha
12 Shri D P Yadava
13 Shri N E Horo
14 Shri Ramvatar Shastri
15 Shri R L P Verma
16 Shri Seth Hembram

Gujarat

17 Shri Amar Singh Rathawa
18 Shri B K. Gadhavi
19 Shri Ishwarbhai K. Chavda
20 Shri Moti Bhai Chaudhari
21 Shri Nar Singh Makwana
22. Shri Navin Ravani
23. Shri R P Gaekwad

Jammu & Kashmir

24 Shri G M Shawl
25 Shri G R. Kochak
26 Shri Mubarak Shah

Karnataka

27 Shri B Janardhana Poojary
28 Shri S B Sidnal

Kerala

29 Shri E Balanandan
30 Shri E K. Imbichibava
31 Shri George Joseph Mundackal
32 Shri G M Banatwalla
33. Shri M Ramanna Rai
34 Smt. Suseela Gopalan
35 Shri V S Vijayaraghavan

Madhya Pradesh

36 Shri Arvind Netam
37 Shri Baleshwar Dayal
38 Shri Mundar Sharma
39 Shri N K. Shejwalkar
40 Shri Paras Ram Bharadwaj
41 Shri R. P Neekhra

Maharashtra

42 Shri A. T Patil
43 Shri Bapusaheb Paruleker
44 Shri G S. Kuchan
45 Shri Madhu Dandavate
46 Shri R. K. Mhalgi
47 Shri Ratan Sinh Rajda
48 Shri S B Chavan
49 Shri S B Thorat
50 Shri Shivaraj V Patil
51 Shri Vilas Muttemwar

Manipur

52. Shri Tompok Singh

Orissa

53 Shri C M Panigrahi

Punjab

54 Smt. Amarjit Kaur
55 Shri Hakam Singh
56 Shri Har Kishan Singh Surjeet
57 Smt. Rajinder Kaur
58 Gen R. S Sparrow

Rajasthan

59 Shri Jai Narain Roat
60 Shri Satish Aggarwal

Sikkim

61 Shri P M Subba

Tamil Nadu

62 Shri C. Palaniappan
63 Shri Era Anbarasu
64 Shri K. Arjunan
65 Shri M Kandaswamy
66 Shri R. V Swaminathan

Uttar Pradesh

67 Shri Ashfaq Husain
68 Shri B D Singh
69 Shri Doongar Singh
70 Shri Jai Pal Singh Kashyap
71 Shri Jai Ram Varma
72 Shri Narendra Singh
73 Shri Ram Pyare Panika
74 Shri Raghunath Singh Verma
75 Shri Shyam Lal Yadav
76 Smt Usha Verma

West Bengal

77 Shri A. K. Saha
78 Shri Basudeb Acharia
79. Smt. Bibha Ghosh Goswami
80. Smt. Geeta Mukherjee
81 Shri Jyotirmoy Bosu
82. Shri Mukunda Mandal
83 Shri Rupchand Pal
84 Shri Satyasadhan Chakraborty

Goa, Daman & Diu

85 Shri Edurdo Faleiro

LIST OF STATES U/Ts VISITED BY THE COMMISSION

APPENDIX XI

S No	Name of State/UT		Date of tour
1	Andhra Pradesh		26-7-1980 to 30-7-1980
2	Bihar	(i)	26-5-1979 to 30-5-1979
		(ii)	11-9-1979 to 18-9-1979
3	Gujarat		18-9-1980 to 21-9-1980
4	Haryana		15-5-1979 to 16-5-1979
5	Himachal Pradesh		29-9-1980 to 2-10-1980
6	Jammu & Kashmir		14-10-1979 to 19-10-1979
7	Karnatka		9-4-1980 to 13-4-1980
8	Kerala		23-6-1979 to 25-6-1979
9	Madhya Pradesh	(i)	15-8-1980 to 20-8-1980
		(ii)	4-10-1980 to 8-10-1980
10	Maharashtra		20-7-1980 to 23-7-1980
11	Orissa		20-6-1980 to 22-6-1980
12	Punjab		4-10-1980 to 7-10-1980
13	Rajasthan		26-8-1980 to 30-8-1980
14	Sikkim		21-5-1980 to 23-5 1980
15	Tamil Nadu		26-6-1979 to 30-6-1979
16	Uttar Pradesh		6-9-1980 to 12-9 1980
17	West Bengal		23-6-1980 to 26-6-1980
18	Chandigarh		14-5-1979
19	Delhi		18-5-1979
20	Goa, Daman & Diu		25-7-1980
21.	Pondicherry		28-6-1979
22	Dadra Nagar Haveli		22-9-1980 to 23-9-1980

APPENDIX XII

REPORT OF THE RESEARCH PLANNING TEAM OF THE SOCIOLOGISTS

The Research Planning Team consisting of the following members met at Delhi during 12th to 14th June, 1979 to draw up a plan of studies and researches which should be undertaken/sponsored by the Backward Classes Commission for determining in a scientific and objective manner the criteria for defining the socially and educationally backward classes

List of the Members

1 Prof L K Mahapatra
2 Prof N S Reddy
3 Prof Leela Dube
4 Dr A K Danda
5 Shri N K. Banerjee
6 Shri S S Gill
7 Prof B K Roy Burman

1 The Study Team after considering the context in which the provisions in respect of socially and educationally backward classes have been made in the Constitution as well as the actual wording of the Constitution felt that these relate to socially recognisable and persistent collectivities and not to individuals

2 As a corollary to the fore-going it implies that, that type of social backwardness which is more relevant to the present enquiry pertains to ascriptive status and not achieved status

3 The Study Team felt it necessary to consider the problem of relationship between social backwardness and educational backwardness While social backwardness refers to ascriptive status, educational backwardness refers to achieved status. It is obious that the former can change only over a length of time, while faster change is possible in case of the later Hence, while determining the criteria of socially and educationally backward classes social backwardness should be considered to be the critical element and educational backwardness to be the linked element, though not necessarily derived from the former

4 In the Indian context the task of identifying collectivities with ascribed socially backward status, can be achieved from two vantage positions which, however, very frequently tend to overlap The first is to identify the castes or ethnic groups which are traditionally assigned a low status (Other than the Scheduled Castes) The second is to identify the traditional occupations which are assigned a low status but which are also linked with specific castes or ethnic groups These ethnic groups may belong to any religion Once the collectivities are identified in terms of the traditional frame-work, one is to examine what changes have taken place in their social and educational status under the impact of the various forces in modern society

5 As regards identification of castes with traditional low status considerable amount of data are available in the Census Report upto 1931 Similarly for ascriptive status of occupation also the earlier Census Reports provide considerable information Caste index of 1891 gives information about the distribution of the various castes in sixty occupational categories 1901 Census gives a ranking of castes and also an indication of the social privileges and disabilities associated with them The subsequent Censuses upto 1931 give an indication of the social mobility movements among the castes and process of change in their respective status If a comparative statement is prepared indicating the baseline data available in 1891 and 1901 Censuses and the subsequent changes, the same will give a fairly clear picture of the pattern that had taken shape in the pre-independence period

6 As regards educational status of the castes or ethnic groups or of the population engaged in various traditional occupations in the pre-independence period, some information is available in the early Census reports While it is recognised that a large number of people belonging to the different castes do not at present adhere to their traditional occupation or occupations, it is assumed that in most cases the bulk of the population engaged in the traditional occupations embodied in the pre-industrial technological nexus still belong to the castes or ethnic groups which have been associated with such occupations for generations Some information about the educational status of the persons practising the various traditional occupations is available in the earlier Census reports This is required to be compiled

7 (*a*) The problems of determination of current social and educational status of collectivities that can be identified as backward on an examination of early source materials can be considered both at the conceptional and empirical and statistical levels

(*b*) The problems of approach at the conceptual level would be considered later At the empirical and statistical level the following sources and procedures are noted —

(*i*) Cross-tabulation of occupation data of the Census,

(*ii*) Village and Town studies and craft studies of the Census Agro-economic Research Centres and a number of other institutions and scholars

(*iii*) Studies specially conducted by Anthropological Survey of India on the Weaker Sections of the population,

(*iv*) Studies sponsored by ICSSR,

(*v*) Reports of Seminars organised by Backward Classes Federation and Other Agencies

(*vi*) Sample surveys to be specially sponsored by Backward Classes Commission

(*c*) (*i*) A special mention is to be made of the problems of cross tabulation of census data and of the sample surveys to be sponsored by the Backward Classes Commission As regards cross-tabulation of occupation and education data it is to be noted that currenlty such data are available only upto three digit code of the NCO But most of the traditional occupations with low ascribed status would not come out in the three digit code For this it will be necessary to get special cross tabulation done at the five digit code based on 1% sample slips computerised at the national level 10% slips computerised in respect of Urban areas and 5% slips computerised for rural areas of some parts of the country

8 As regards sample surveys to be sponsored by the Backward Classes Commission the important question is that of the unit Rislay has listed more than 5 000 castes in India the first B C C has listed more than 2 000 other backward classes If a sample survey is conducted with reference to territorial units only, most of the numerically small castes which are likely to be more backward, may not be covered If such surveys are to be done with caste as the unit the sample frame will not be available without a time consuming and costly operation of enumeration of all castes throughout the country

9 It seems that it will not be possible to go in for a single dimension sample survey it will be necessary to make multi-prong approaches to gain an insight into the situation in a general way, rather than for identifying the actual conditions prevailing along all the specific collectivities that deserve to be

treated as socially and educationally backward classes The vantage points of multiprong approaches would be as follows —

(*a*) From an analysis of the census data upto Taluk level, it will be possible to identify areas where SC/ST constitute insignificant proportion of the population and where at the same time level of literacy is low Sample surveys will be carried out in such areas to examine the factors of educational backwardness and also to find out to what extent, social backwardness is associated with the same

(*b*) From an examination of the village survey monographs, it will be possible to prepare an inventory of communities which have been found to suffer from social disabilities and which are at the same time educationally backward Sample surveys can be conducted in these areas on the basis of purposive sampling

(*c*) On examination of the traditional craft survey reports as well as in consultation with Handicrafts Board and Khadi and Village Industries Commission information can be obtained about social and economic conditions and mobility movements of the population engaged in these traditional crafts and industries which are graded as backward The District Census hand books of 1961 Census also provide information about the distribution of different household industries at the village level Studies may be conducted in respect of some of them on the basis of purposive sampling

(*d*) Ex criminal Tribes Enquiry Committee and Nomadic Tribes Inquiry Committee provided information about a good number of communities and about the areas where they are to be ordinarily found Some of them should also be covered by the survey

(*e*) LOKUR Committee set up by the Home Ministry has provided a list of communities who represented for being included in the list of SC and ST, but who had to be left out The report gives some indication of the social status of many of these communities Similar representations received from time to time by the Home Ministry and Commissioner for SC and ST and the Commission for SC and ST for being treated as SC and ST which have not been found to satisfy the criteria for inclusion in one of these categories of SC and ST, may be taken for examination about their social and educational status

(*f*) The Communities already listed as OBCs in several States can also be studied on a sample basis to ascertain their actual social and educational status and also the impact of the various measures adopted for amelioration of their condition

10 The team considered that the studies conducted by the Anthropological Survey of India on Weaker Sections would be very much helpful in gaining a conceptual insight about the process of generation of backwardness or of persistence and change of the same The report of these studies may be carefully examined

11 While empirical and statistical data collected in the foregoing manner will help in identifying the current social and educational status of a number of castes and communities and other collectivities (traditional occupation groups) a perspective about the long-range trend and the future will also be necessary For this purpose as well a conceptual framework appears indispensable

(*a*) It can be assumed that the factors and processes of generation persistence and change of backwardness would differ in different historical formations and social situations For instance in the area pre-dominantly inhabited by the tribals ritual disability may not be an important criterion for determination of backwardness for the non tribal minorities residing there In their case access to centres of political power may be a more important factor Similar differences can be noticed in the enclaves of semi-feudal or capitalistic economy and society

(*b*) Significances of some of the prevailing attributes of social and educational backwardness would be very much different in areas where social mobility movements have taken place among various castes and communities and traditional occupation groups from the areas where no such movements have taken place

12 While designing empirical studies extent of prevalence of the following variables may be taken into account —

(*a*) Socio-ritual services extended by other ethnic groups

(*b*) 'Low" status of occupations of the category concern

(*c*) "Low" self-evaluation compared to other ethnic groups in the region (Gram Panchayat/Block/Taluqa)

(*d*) Literacy rates in relation to other neighbouring groups in Gram Panchayat/Block/Taluqa.

(*e*) Occupations requiring investment of child-labour (upto 15 years)

(*f*) Economic levels of castes and communities

(*g*) Representation in public or private sector services or in professions

APPENDIX XIII

LIST OF THE MEMBERS OF EXPERT PANEL

1 Dr B. K. Roy Burman,
Professor of Anthropology,
Vishwa Bharti,
P O Sriniketan-731236
Birbhum (West Bengal)

2 Dr Indra Deva,
Professor of Sociology and Dean Students' Welfare,
Ravishankar University,
Raipur (Madhya Pradesh)

3 Professor Mohammad Anas,
Professor of Geography,
Aligarh Muslim University,
Aligarh (Uttar Pradesh)

4 Dr Moin Shakir,
Department of Political Science and Public Administration
Marathwada University
Aurangabad (Maharashtra)

5 Prof M N Srinivas,
'Arakere'
78-A, Benson Cross Road
Bangalore-560046 (Karnataka).

6 Prof Pradhan H. Prasad,
Professor of Economics,
A. N S Institute of Social Studies,
Patna-800001 (Bihar)

7 Prof Yogendra Singh,
Centre for Study of Social Systems,
Jawaharlal Nehru University,
New **Delhi 110057**

8 Prof M S A. Rao,
Department of Sicıology,
University of Delhi,
Delhi-110007

9 Prof J S Yadava,
Indian Institute of Mass Communications,
D-13 New Delhi South Extension, Part-II,
New Delhi-110049

10 Dr R K Sharma,
Centre for Study of Regional Development,
Jawaharlal Nehru University,
New Delhi-110057.

RURAL/URBAN
ग्रामीण/शहरी

GOVERNMENT OF INDIA भारत सरकार

BACKWARD CLASSES COMMISSION पिछड़ा वर्ग आयोग

SOCIO-EDUCATIONAL SURVEY सामाजिक शैक्षिक सर्वेक्षण

HOUSEHOLD SCHEDULE परिवार-तालिका

STATE / राज्य ______ 1-2

DISTRICT/जिला ______ 3-4

TALUK/TEHSIL तालुक/तहसील ______ 5-6

VILLAGE/MAUZA/TOWN/ ग्राम/मौजा/टाउन ______ 7-9

WARD/MOHALLA वार्ड/मोहल्ला ______ 10-11

PART-1 भाग-१

HOUSEHOLD PARTICULARS परिवार का विवरण

1 Serial No of Household परिवार की क्रम संख्या 12-14

2 (a) Name of head of Household परिवार के मुखिया का नाम ______

(b) Size of the Household परिवार का आकार 15-16

(c) Religion/(code) धर्म (कोड) 17

(d) (i) Caste/Hereditary group/ जाति/ पुश्तैनी ग्रुप

Caste/ जाति 18-42
Hereditary group पुश्तैनी ग्रुप 43-67

(ii) Is it known by another name(s)?(Specify)
क्या यह किसी और नाम (नामों) से जानी जाती है (लिखें) 68-92, 93-117

(e) (i) Sub-Caste उप जाति (For Hindus only केवल हिन्दुओं के लिए)

Sub-Caste/ उप जाति 118-142

(ii) Is it known by another name(s)?(Specify) क्या यह किसी और नाम (नामों) से जानी जाती है (लिखें) 143-167, 168-192

(f) Are you (Head of the household) a member of
क्या आप (परिवार के मुखिया) सदस्य हैं

Scheduled Caste/ Scheduled Tribe /Other Backward Class?(Code)
अनुसूचित जाति/अनुसूचित जनजाति/अन्य पिछड़े वर्ग (कोड) 193

(g) (i) Is there any occupation(s) traditionally associated with your caste ?(code) (Yes-1, No-2)
क्या आप की जाति से कोई परम्परागत व्यवसाय सम्बद्ध है ?(कोड) (हां-1, नहीं-2) 194

(ii) If yes, please specify the occupation(s) (code)
यदि हां, तो व्यवसाय (व्यवसायों) का उल्लेख करें (कोड)

1 Occupation/ व्यवसाय 195-196

2 Occupation/ व्यवसाय 197-198

3 Occupation/ व्यवसाय 199-200

(h) Is your caste/sub-caste considered by others as backward ? , (Yes 1 No 2)
क्या अन्य लोगों द्वारा आपकी जाति/उपजाति पिछड़ी मानी जाती है
(हां 1 नहीं 2) 201

3 Area of cultivable land held by the Household
परिवार के पास कृषि योग्य भूमि

Does the household hold any cultivable land (Yes 1 No-2) ☐ 202
क्या परिवार के पास कोई कृषि योग्य भूमि है (हां-1 नहीं-2)

If yes write the holding in acres and cents -
यदि हां तो क्षेत्र एकड़ और सेंट में लिखें

	Irrigated सिंचित		Non-irrigated असिंचित		Total कुल		
	Acres एकड़	Cents सेंट	Acres एकड़	Cents सेंट	Acres एकड़	Cents सेंट	
(a) Owned/ निजी	☐☐☐	☐☐	☐☐☐	☐☐	☐☐☐	☐☐	203-217
(b) Leased in (held as tenant) लीज पर (किराये पर ली गई)	☐☐☐	☐☐	☐☐☐	☐☐	☐☐☐	☐☐	218-232
(c) Leased out लीज पर दी हुई (given to others on tenancy basis) (किसी अन्य को काश्तकारी पर दी हुई)	☐☐☐	☐☐	☐☐☐	☐☐	☐☐☐	☐☐	233-247
(d) Total (a + b—c) कुल	☐☐☐	☐☐	☐☐☐	☐☐	☐☐☐	☐☐	248-262

4 Particulars and facilities available in the household
परिवार में उपलब्ध सुविधाएं और विवरण

(a) Type of House (Hut-1 / House-2/) घर की किस्म (झोंपड़ी -1 मकान 2) ☐ 263

(b) Structure of House घर का ढांचा (Katcha-1/ कच्चा -1 Pucca -2/ पक्का -2) ☐ 264

(c) Ownership of House/ घर का स्वामित्व (Owned-1/ निजी -1 Not owned-2/ निजी नहीं-2) ☐ 265

(d) Ownership of homestead land वास भूमि का स्वामित्व (Owned-1/ निजी - 1 Not owned-2/ निजी नहीं -2) ☐ 266

(e) No of rooms (for urban only)/ कमरों की संख्या (केवल शहरों के लिए) ☐☐ 267-268

(f) (i) Main source of drinking water (Code) पीने के पानी के मुख्य साधन (कोड) ☐ 269

(ii) Distance of main source of drinking water from the house (Code) ☐ 270
घर से पानी मिलने के मुख्य साधन की दूरी (कोड)

(g) Main source of lighting in the house (Code) घर में रोशनी का मुख्य साधन (कोड) ☐ 271

(h) Main source of fuel for cooking (Code) भोजन पकाने के लिए ईंधन का मुख्य साधन (कोड) ☐ 272

(i) Toilet facilities (Code)/ शौचालय की व्यवस्था (कोड) ☐ 273

5 Total annual income of the household (in Rupees) परिवार की कुल वार्षिक आय (रुपयों में) ☐☐☐☐☐ 274-278

PART II/ भाग दो

PARTICULARS OF HOUSEHOLD MEMBERS/
परिवार के सदस्यों का विवरण

	1	2	3	4	5	6	7	8	9	10	
6 Serial No क्रम संख्या	1	2	3	4	5	6	7	8	9	10	
7 Name/ नाम											
8 Relationship to Head मुखिया से सम्बंध											
9 Sex (Male-1 Female-2) लिंग (पुरुष -1 स्त्री -2)	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	279-288
10 Age (in completed years) (Record the age as given) आयु (पूर्ण किये गये वर्षों में लिखें)	☐☐	☐☐	☐☐	☐☐	☐☐	☐☐	☐☐	☐☐	☐☐	☐☐	289-308
11 Educational Standard (Code) शिक्षा का स्तर (कोड)	☐☐	☐☐	☐☐	☐☐	☐☐	☐☐	☐☐	☐☐	☐☐	☐☐	309-328
12 Marital Status (Code) वैवाहिक स्थिति (कोड)	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	329-338
13 Age at marriage (Record actual completed age in years) विवाह के समय आयु (वर्षों में पूरी वास्तविक आयु लिखें)	☐☐	☐☐	☐☐	☐☐	☐☐	☐☐	☐☐	☐☐	☐☐	☐☐	339-358

	1	2	3	4	5	6	7	8	9	10	
14 If worker, description of work/ यदि कामगार है तो कार्य का विवरण											
(a) Main occupation (Code) मुख्य व्यवसाय (कोड)											359-378
(b) Subsidiary occupation (Code) सहायक व्यवसाय (कोड)											379-398
15 If involved in work, manually whether, यदि काम मे लगे हैं तो क्या हाथ से (working for himself-1, स्वयं के लिए कार्य working for others-2 दूसरों के लिए कार्य											399-408
16 If wage earner/ यदि मजदूरी पा रहे हैं तो (a) Wage rate per day in (Rs.) for प्रतिदिन मजदूरी दर (रु.)											
(i) Main occupation/ मुख्य व्यवसाय											409-428
(ii) Subsidiary occupation/ सहायक व्यवसाय											429-448
(b) No. of days worked in a year वर्ष मे किए गए कार्य दिवस											
(i) Main occupation/ मुख्य व्यवसाय											449-478
(ii) Subsidiary occupation/ सहायक व्यवसाय											479-508
17 Distance of Place of work (Code) कार्य के स्थान की दूरी (कोड)											509-518
18 Employment Status (Code) रोजगार की स्थिति (कोड)											519-528
19 Sector in which employed (Code) किस क्षेत्र में सेवारत है (कोड)											529-538
20 If not working whether seeking or available for work Yes-1, No-2 यदि कामगार नहीं तो क्या रोजगार की तलाश है अथवा कार्य के लिए उपलब्ध है (हां-1, नहीं-2)											539-548

PART III/ भाग III

APPLICABLE TO NON-STUDENTS BETWEEN 5 TO 15 YEARS

5 से 15 वर्ष की आयु के गैर विद्यार्थियों के लिए

	1	2	3	4	5	6	7	8	
21 Serial No. as given in part II above/ क्रम संख्या जैसी की ऊपर भाग 2 में दी गई है									543-564
22 Whether attended school or not/ (Yes-1, No-2) क्या स्कूल में पढ़े अथवा नहीं (हां-1; नहीं-2)									565-572
23 If studied for how many years (actual No. of years studied) यदि अध्ययन किये गये वर्षों की वास्तविक संख्या)									573-588
24 If drop out/ यदि पढ़ना छोड़ दिया है तो (a) At what age/ किस आयु में (Record in completed years) पूरे किये गये वर्षों में लिखें									589-604
(b) Reasons for dropping out (Code)									605-612

	1	2	3	4	5	6	7	8	
25 If working whether working within the village/town or outside the village/town (within-1, Outside-2) यदि कार्य कर रहे हैं तो क्या गांव /शहर के भीतर अथवा गांव /शहर के बाहर कार्य कर रहे (भीतर-1, बाहर-2)	☐	☐	☐	☐	☐	☐	☐	☐	513-62
26 Place of work (Code) कार्य करने का स्थान (कोड)	☐	☐	☐	☐	☐	☐	☐	☐	6[illegible]-62
27 If not attended School, Why ? (Code) यदि स्कूल नहीं गए तो क्यों ? (कोड)	☐	☐	☐	☐	☐	☐	☐	☐	6[illegible]-63

PART IV/ भाग 4

DESCRIPTION OF ASSETS/ परिसम्पत्ति का विवरण

(Actual number and value to be recorded in the squares provided)
(वास्तविक संख्या और मूल्य खानों में भरें)

A :- (To be filled in the case of Rural areas only)
(केवल ग्रामीण क्षेत्र के मामलों में भरें)

	Number/ संख्या		Current value/ (in Rupees) वर्तमान मूल्य (रुपयों में)	
28 House/ मकान	☐	637	☐☐☐☐☐☐	636-643
29 Agricultural tools/ कृषि के औजार				
Mostly wooden/ अधिकतर लकड़ी के	☐☐	644-645	☐☐☐	646-648
Mostly Iron अधिकतर लोहे के	☐☐	649-650	☐☐☐	651-653
30 Fodder Chopper/ चारा काटने की मशीन	☐☐	654-655	☐☐☐	656-658
31 Thresher/ थ्रेशर	☐☐	659-660	☐☐☐☐	661 664
32 Pump Sets/ पम्प सेट	☐	665	☐☐☐☐	666-669
33 Tractor/ ट्रैक्टर	☐	670	☐☐☐☐☐	671 675
34 Draught animals भार-वाही पशु	☐☐	676-677	☐☐☐☐☐	67[illegible] 682
35 Milch animals/ दुधारू पशु	☐☐	683-684	☐☐☐☐☐	6[illegible] 689
36 Sheep & Goat/ भेड़ और बकरी	☐☐☐	690-692	☐☐☐☐☐	[illegible] 697
37 Poultry/ मुर्गीपालन	☐☐☐	698-700	☐☐☐☐☐	[illegible] 705
38 Bullock Cart/ बैलगाड़ी	☐	706	☐☐☐☐☐	707 711
39 Pigs/ सुअर	☐☐	712-713	☐☐☐☐	714 717

40 Tools used by artisan & servicing Class
(List the items & give total value only)
कारीगरों के काम आने वाले औजार और उनकी मरम्मत करने वाला वर्ग (केवल मदों की सूची और कुल मूल्य बतायें)

(i) ____________

(ii) ____________

(iii) ____________

(iv) ____________ ☐☐☐☐☐ 718 722

Item	Number/ संख्या	Current Value/in Rupees वर्तमान मूल्य (रुपयों में)
41 Other Material Objects/अन्य साधन सामग्री		
(i) Cycle/ साईकिल	723	724-727
(ii) Radio/Transistor/ रेडियो/ट्रांजिस्टर	728	729-732
(iii) Scooter/Motor Cycle/ स्कूटर/मोटर साईकिल	733	734-737
(iv) Others/ अन्य	738	739-742
42 Assets of Trade & Commerce/ व्यापार और वाणिज्य परिसम्पत्तियां		
(i) Shop/ दुकान	743	
(ii) Kind of shop/ दुकान की किस्म (Owned-1 Rented-2) (निजी-1 किराये की-2)	744	
B. (To be filled in the case of urban areas only) (केवल शहरी क्षेत्र के मामलों में भरें)		
43 House/ मकान	745	747-751
44 Furniture & other material objects/ फर्नीचर एवं अन्य साधन सामग्री		
(i) Cycle/Motor Cycle/Car साईकिल/मोटर साईकिल/कार	752	753-757
(ii) Radio/Transistor/T.V. रेडियो/ट्रांजिस्टर/टी०वी०	758	759-763
(iii) Dining Table/ खाने की मेज	764	765-769
(iv) Sofa Set/ सोफा सेट	770	771-775
(v) Refrigerator/ रैफ्रिजरेटर	776	777-781
(vi) Telephone/ टेलीफोन	782	783-787
45 Assets of Trade & Commerce व्यापार और वाणिज्य परिसम्पत्तियां		
(i) Shop/ दुकान	788	
(ii) Kind of Shop/ दुकान की किस्म (owned-1, Rented-2)(निजी-1 किराये की 2)	789	
46 Other Assets/ अन्य परिसम्पत्तियां		
(i) Milch animals/ दुधारू पशु	790-791	792-796
(ii) Pigs/ सुअर	797-798	799-802
(iii) Other animals/ अन्य पशु	803-804	805-808

PART V/ भाग पांच **INDEBTEDNESS ऋणग्रस्तता**

47 Have you taken any loan during the last 3 years (Yes-1, No-2)
क्या आपने पिछले तीन वर्षों में कोई ऋण लिया है ?
(हां-1, नहीं-2) ☐ 809

48 If yes. Total amount of loan taken (in Rs.)
यदि हां, तो लिये गये ऋण की कुल राशि (रुपयों में) ☐☐☐☐☐☐ 810-815

49 Main reasons for taking loan (Code)
ऋण लेने का मुख्य कारण (कोड) ☐ 816

50 From whom taken (Code)
किससे लिया गया (कोड) ☐ 817

51 Amount of loan outstanding (in Rs.)
बकाया ऋण की राशि (रुपयों में) ☐☐☐☐☐☐ 818-823

Date ____________
दिनांक

____
(Name of the Investigator)
अन्वेषक का नाम

APPENDIX-XV

BACKWARD CLASSES COMMISSION
GOVERNMENT OF INDIA

पिछड़ा वर्ग आयोग

भारत सरकार

VILLAGE SCHEDULE
ग्राम—तालिका

Part—I GENERAL
भाग—1 सामान्य

Name of the Village .... Tehsil/Taluka ....
ग्राम का नाम तहसील/तालुक
District .... Population (1971 Census) ....
जिला जनसंख्या (1971 की जनगणना)
Population of village
on the date of Survey covered .... No. of hamlets ....
किए गए सर्वेक्षण की तारीख को ग्राम की जन संख्या पुरवों की संख्या

Part—II VILLAGE AMENITIES
भाग—2 ग्राम सुविधाएं

A. Sl. क्रम सं०	Distance from nearest निकट स्थान से दूरी	In respect of the main village (Give Code) मुख्य ग्राम के बारे में (कोड लिखें)	In respect of the Hamlets if any give their names (Give Codes) पुरवों के बारे में यदि कोई है तो उनके नाम बताएं (कोड लिखें)				
1	2	3	4	5	6	7	8
1.	Railway Station रेलवे स्टेशन						
2.	Metalled Road पक्की सड़क						
3.	Bus Stop बस स्टाप						
4.	Post Office डाक घर						
5.	Telegraph Office तार घर						
6.	Telephone/Public Call Office टेलीफोन/पब्लिक काल आफिस						
7.	Hospital/Dispensary अस्पताल/चिकित्सालय						
8.	Primary Health Centre प्राथमिक स्वास्थ्य केन्द्र						
9.	Primary School प्राइमरी स्कूल						
10.	Middle School मिडिल स्कूल						
11.	High/Higher Secondary School/Intermediate College उच्च/उच्चतर माध्यमिक स्कूल/इन्टरमीडियट						
12.	College कालेज						

1	2	3	4	5	6	7	8
13.	Temple मंदिर						
14.	Mosque मस्जिद						
15.	Church गिरजाघर						
16.	Gurudwara गुरुद्वारा						
17.	Other places of worship (Specify) पूजा के अन्य स्थल (लिखें)						
18.	Bank बैंक						
19.	Cooperative Society सहकारिता समिति						
20.	Main source of drinking water पीने के पानी का मुख्य साधन						
21.	Veterinary dispensary पशु चिकित्सालय						

Codes for including the distance :—
दूरी बताने के लिये कोई कोड लिखें

Within the village ग्राम के भीतर	—	0	Within 0.5 Km. 0.5 कि० मी० के भीतर	—	1	0.5 to 1.0 Km. 0.5 से 1.0 कि० मी०	— 2
1.0 to 2.0 Km. 1.0 से 2.0 कि० मी०	—	3	2.0 to 3.0 Km. 2.0 से 3.0 कि० मी०	—	4	3.0 to 5 Km. 3.0 से 5 कि० मी०	— 5
More than 5 Km. 5 कि० मी० से अधिक	—	6					

B. Is there any place of worship exclusively meant for any specific 'group of people' if so, give details.
क्या केवल किसी विशेष 'वर्ग के लोग' के लिए कोई पूजा स्थल है, यदि ऐसा है तो ब्योरा लिखें।

(a) In the Main Village :
मुख्य ग्राम में

(b) In the Hamlets :
पुरवों में

1
2
3
4
5

PART—III
भाग—3

(*a*) Predominant Castes/Hereditary Groups/Religious Groups living in the village.
गांव में रहने वाली प्रमुख जातियां/पुश्तैनी समूह/धार्मिक समूह।

Sl. No. क्र० सं०	Name of Caste/Group/etc. जाति/समूह/इत्यादि का नाम	Whether included in : क्या आप शामिल हैं ?			No. of Households in the village गांव में परिवारो की संख्या	Traditional Occupation, if any परम्परागत व्यवसाय, यदि कोई है	Whether nomadic क्या खाना-बदोश है	Remarks टिप्पणी
		SC अनु० जाति	ST अनु० जनजाति	OBC अन्य पि० वर्ग				
1.								
2.								
3.								

(*b*) Organisations/Associations active in the village (to be filled in for voluntary/non-official organisations/associations engaged in social work/upliftment of economic/educational conditions/safeguarding of interests of particular groups/running of Institutions).

संगठनों/गांव में सक्रिय एसोसिएशनों/स्वैच्छिक/गैर-सरकारी संगठनों/सामाजिक कार्यों में लगी एसोसिएशन/आर्थिक उत्थान/शैक्षणिक दशा/किसी विशेष वर्ग के हितों की रक्षा तथा संस्थाएं चलाने के बारे में भरा जाए।

Sl. No. क्र० सं०	Name of Organisation संगठन का नाम	Whether local to the village or, branch of a larger body क्या गांव का स्थानीय सगठन है अथवा किसी बड़े सगठन की शाखा है	Main function मुख्य कार्य	Group/community catered to or for a particular community/caste and/or for women/children/destitutes/occupation etc. जाति/समुदाय जिसके लिए खान-पान का प्रबंध करते हैं क्या वह किसी विशेष समुदाय/जाति अथवा महिलाओं/बच्चों/निराश्रितों/व्यवसाय इत्यादि के लिये है (लिखें)	Whether running any institute such as school/dispensary/place of worship etc. (specify) क्या स्कूल/डिस्पेंसरी/पूजा के स्थान इत्यादि जैसी किसी संस्थान को चला रहे हैं (लिखें)	If running an Institution specify group/class/caste/community/women/children/destitutes etc. for which the institution is being run यदि कोई संस्थान चला रहे हों तो लिखें कि वह किसी विशेष समूह/वर्ग/जाति/समुदाय/महिला/बच्चों/निराश्रितों के लिये चलाया जा रहा है

APPENDIX—XVI

LIST OF VILLAGES AND URBAN BLOCKS SURVEYED

Sl. No.	Name of the District	Name of villages	Name of Urban Block
	ANDHRA PRADESH		
1.	Srikakulam	(1) Bankili (2) Pedankalam	Srikakulam
2.	Visakhapatnam	(1) Jaggannapeta (2) Gobbaru	Visakhapatnam
3.	East Godawari	(1) Savaram (2) Vemavaram	Kakinada
4.	West Godawari	(1) Naudigampadu (2) Kewasaleltipudi	Eluru
5.	Krishna	(1) Alurupadu (2) Raparla	Mechilipalam
6.	Guntur	(1) Kawali (2) Dantalpur	Guntur
7.	Prakasam	(1) Gheinanbeel (2) Lellapalli	Uagole
8.	Nellore	(1) Alivebi (2) Dubagunta	Nellore
9.	Chittor	(1) Keelapally (2) Medumur	Chittoor
10.	Cuddapah	(1) Gudemuaruru (2) K. Yenrichareka	Cuddapah
11.	Anantpur	(1) Veldurthi (2) Velawkar	Anantpur
12.	Kurnool	(1) Cheroopalli (2) Edurupedu	Kurnool
13.	Mahabubnagar	(1) R.K. Puram (2) Pulandoddi	Mehabubnagar
14.	Rangareddy	(1) Yenekepally (2) Sathamrai	Kikarabad
15.	Medai	(1) Burugpally (2) Bairandibba	Sangereddu
16.	Nizamabad	(1) Jagriyal (2) Pocharam	Nizamabad
17.	Adilabad	(1) Jafrapur (2) Wallegam	Adilabad
18.	Karimnagar	(1) Takkalluppally (2) Masthanpeh	Karimnagar
19.	Warangal	(1) Kachikal (2) Nasapur	Warangal
20.	Khammam	(1) Ammapela (2) Laxminagar	Khammam
21.	Nalgonda	(1) Padmavali Sourreu (2) Meimille Maduva	Nalgonda
22.	Hyderabad	—	Hyderabad City
	ASSAM		
1.	Goalpara	(1) Lela (2) Matia	Goalpara
2.	Kamrup	(1) Gobardhanana (2) Chenga	Barpeta Road
3.	Darrang	(1) Behali (2) Madurahi	Tezpur
4.	Nowgong	(1) Kamargaon (2) Kawcimari	Nowgong
5.	Sibsagar	(1) Saratgaon (2) Khotickholi	Golaghat
6.	Lakhimpur	(1) Bamchema (2) Norlakhupathar	Dhamaji
7.	Mikir Hills (Karbianglong)	(1) Baithalangso (2) Bulipathar	Diphu
8.	North Cachar Hills	(1) Mailongproper (2) Mehur Bazar	Haflong
9.	Cachar	(1) Bororampur (2) Fulertol Punjee	Silchar
10.	Dibrugarh	(1) Lephotkita Kachori (2) Abhuyakista Bangli	Dibrugarh
	BIHAR		
1.	Siwan	(1) Harihar Pur (2) Baraso	Mehrajgag
2.	Rohtas	(1) Kusahi (2) Sonbarsa	Dehri
3.	Aurangabad	(1) Hemla (2) Nasharamba	Aurangabad
4.	Navada	(1) Mahjhila (2) Rajamdih	Navada
5.	Nalanda	(1) Eshakpur (2) Baswan	Biharshirif
6.	Patna	(1) Chaimpur (2) Fatehpur	Danapur
7.	Gaya	(1) Dariyapur (2) Amora	Gaya
8.	Bhojpur	(1) Baruna (2) Kusumba	Dunraon
9.	Saran	(1) Pramanandchapra (2) Mamupur	Ravalganj
10.	Champaran	(1) Mahuawa (2) Rupdih	Motehi (Muzaffarpur)
11.	Muzaffarpur	(1) Parasawninath (2) Jagdishkantal	Gannipur
12.	Darbhanga	(1) Gadari (2) Kiratpur	Alimagar
13.	Monghyr	(1) Khajuria (2) Kharar	Jamalpur
14.	Bhagalpur	(1) Paharpur (2) Garavadhinilk	Bhagalpur
15.	Saharsa	(1) Beldara (2) Laukahy	Madhepura
16.	Purnea	(1) Siktihar (2) Chehbacha	Purnea
17.	Santhalparganas	(1) Bahadur Chuh (2) Barwa	Dumka
18.	Palamau	(1) Khap (2) Dulhar	Daltonganj
19.	Samastipur	(1) Karihara (2) Eimasnagar	Samastipur
20.	Vaishali	(1) Akhtarpur (2) Ranpurjhreuh	Mohnas

Sl. No.	Name of the District	Name of villages	Name of Urban Block
21.	CHAMPARAN (WEST)	(1) Hardiya (2) Patlenhauli	Nayatola
22.	SITAMARHI	(1) Singrahia (2) Barabejiua	Sitamarhi
23.	BEGUSARAI	(1) Chakmuzzafar (2) Sankhu	Reghara
24.	HAZARIBAGH	(1) Ambadih (2) Jarahiya	Ramgarhchant
25.	RANCHI	(1) Kunburdga (2) Gone	Khanji
26.	DHANBAD	(1) Nayadih (2) Koradih	Karkend
27.	SINGHBHUM	(1) Bagrai Sai (2) Jargo	Chaibasa
28.	MADHUBANI	(1) Durgapalli (2) Gangauli	Madhubani
29.	KATIHAR	(1) Ratania Khurd (2) Madani	Mauihari
30.	GIRIDIH	(1) Godi (2) Jarda Bagi	Jarangdhi
31.	GOPALGANJ	(1) Dewapur Tola Moharsingh (2) Ballhadra Paros	Barali
		GUJARAT	
1.	JAMNAGAR	(1) Sivrajpur (2) Chudeswar	Kalavad
2.	RAJKOT	(1) Baldhoi (2) Bhalgon	Wankaver
3.	SURENDRANAGAR	(1) Vadla (2) Auigati	Thangodh
4.	BHAVNAGAR	(1) Kolela (2) Bhuteshwar	Gadhoda
5.	AMRELI	(1) Kheri (2) Samodiala	Amreli
6.	JUNAGADH	(1) Ramgadhi (2) Panehala	Mohahadar
7.	KUTCH	(1) Lakhagodh (2) Bharadia	Gandhidha
8.	BANASKANTHA	(1) Koihala (2) Sadarpur	Malivas
9.	SABARKANTHA	(1) Moti Befar (2) Amodora	Idar
10.	MAHSANA	(1) Iravai (2) Jelani	Mansa
11.	GANDHI NAGAR	(1) Bhoyam Rathed (2) Palpajpur	Gandhi Nagar
12.	AHMEDABAD	(1) Vasna Soghthi (2) Rahtalau	Bavala
13.	KHEDA	(1) Vatau (2) Porda	Sajitra
14.	PANCH MAHALS	(1) Goli (2) Limbadia	Kalol
15.	VADODRA	(1) Karnet (2) Surkheda	Dashoi
16.	BHARUCH	(1) Augreshwar (2) Raywadi	Rajpipla
17.	SURAT	(1) Umbeu (2) Paniari	Barodori
18.	VALSAD	(1) Bhadali (2) Amali	Pardy
19.	THE DANGS	(1) Gondal Vihir (2) Godhavi	

Sl. No.	Name of the District	Name of villages	Name of Urban Block
		HARYANA	
1.	BHIWANI	(1) Gignau (2) Badhra	Dadri
2.	FARIDABAD	(1) Manjhavli (2) Andhop	Palwal
3.	AMBALA	(1) Saphera (2) Bharog	Kalka Block
4.	KARNAL	(1) Phusgarh (2) Kabri	Karnal Block
5.	ROHTAK	(1) Ladian (2) Kharak Jattan	Bahadurgarh
6.	GURGAON	(1) Silam (2) Jamalpur	Nah
7.	MAHENDRAGARH	(1) Bhalkhi (2) Rewasa	Narnaul
8.	HISSAR	(1) Mayar (2) Chamerkhera	Hissar Block
9.	JIND	(1) Pauli (2) Sachakhera	Narwara Block
10.	SONEPAT	(1) Barauli (2) Kasandi	Gohana
11.	KURUKHETRA	(1) Lohar Majra (2) Dhurala	Kaithal
12.	SIRSA	(1) Pohrokan (2) Khurian Malkan	Dabwali
		HIMACHAL PRADESH	
1.	CHAMBA	(1) Badrolbe (2) Palsur	Chamba
2.	KANGRA	(1) Kohara (2) Gadiara	Dharaur Sola
3.	MANDI	(1) Naitala (2) Bauaji	Mandi
4.	KULU	(1) Biasai (2) Jauri	Kulu
5.	LAHAUL AND SPITI	—	—
6.	BILASPUR	(1) Khnllami (2) Galasim	Diara
7.	SOLAN	(1) Bhenakaw (2) Jabal Jemoti	Solan
8.	SHIMLA	(1) Racholi (2) Mandloi	Theog
9.	SIRMAUR	(1) Karipur (2) Dangi	Nahan
10.	KINNAUR	(1) Parbani (2) Ramani	—
11.	HAMIRPUR	(1) Sawaha (2) Bari	Hamirpur
12.	UNA	(1) Bagri (2) Daghua	Una
		JAMMU & KASHMIR	
1.	ANANTNAG	(1) Trail (2) Chenghgam	Dajigmd
2.	BADGAM	(1) Wata Kata (2) Nashroo	Badgaon
3.	BARAMULA	(1) Dangrepore (2) Gingal	Bamdipura
4.	LEH	(1) Tagmachik (2) Tewrzgam	Chobiyansi
5.	DODA	(1) Seripali (2) Thopal	Doda
6.	SRINAGAR	(1) Cheerwan (2) Wakora	Srinagar

Sl. No.	Name of District	Name of Village	Name of Urban Block
7.	KARGIL	(1) Karmba (2) Sanjali	Kargil
8.	KUPWARA	(1) Kachhawa (2) Eolina	Kupwara
9.	UDHAMPUR	(1) Gonedali (2) Barvdi	Udhampur
10.	JAMMU	(1) Didikabe (2) Gabmalana	Kjammu
11.	KATHUA	(1) Daugrauli (2) Chaklala	Kathua
12.	RAJOURI	(1) Khablan (2) Rajnagar	Nowhera
13.	PONCH	(1) Ochhad (2) Mangner	Surankote
14.	PULWAMA	(1) Pohama (2) Barapora	Tral

KARNATAKA

Sl. No.	Name of District	Name of Village	Name of Urban Block
1.	BANGALORE	(1) Dodelakallasaura (2) Kanagonrnable	Hoskoli
2.	BELGAUM	(1) Yallapur (2) Tummugardi	Tuamigole Anigol
3.	BELLARY	(1) Bosapura (2) Guthiganur	Sirupguppa
4.	BIDAR	(1) Hnnalli (2) Ilhall	Bidar
5.	BIJAPUR	(1) Cnanaguri (2) Hachyal	Bajapur
6.	CHIKMAGALUR	(1) Gorrura (2) Kanpawkalli	Kadur
7.	CHITRADURGA	(1) Kadhguddu (2) Parehalli	Kolatkera
8.	SOUTH KANARA	(1) Balgodu (2) Bannady	Mangalore
9.	DHARWAD	(1) Kotnur (2) Hiremaglur	Kundagal
10.	GULBARGA	(1) Mandarwad (2) Kandagal	Gulbarga
11.	HASSAN	(1) Chuilavahali (2) Marur	Alur
12.	KODAGU (COORG)	(1) Kowabaladalu (2) Nilivagilu	Virajpet
13.	KOLAR	(1) Muduvadi (2) Padmaghalli	Kolar
14.	MANDYA	(1) Kirgasur (2) Chadgal	Mandya
15.	MYSORE	(1) Kurubur (2) Marathu	Nanjangwo
16.	RAICHUR	(1) Kholabal (2) Dhairapu	Deodurga
17.	SHIMOGA	(1) Kolimallur (2) Maviraker	Rolar
18.	TUMKUR	(1) Obalapura (2) Madapura	Turavekere
19.	NORTH KANARA	(1) Bakuikodla (2) Talwani	Karwar

KERALA

Sl. No.	Name of District	Name of Village	Name of Urban Block
1.	IDUKKI	(1) Elappara (2) Sothupone	Mavakkad
2.	KOZHIKODE	(1) Cyiyyar (2) Feroke	Vapavanchugi
3.	MALAPPURAM	(1) Vazhayoor (2) Rerovollur	Mallappuram
4.	PALGHAT	(1) Puducode (2) Artayempethy	Mounarghat
5.	TRICHUR	(1) Anurly (2) Mampilly	Kunnamkukam
6.	ERANAKULAM	(1) Venkamkunnu (2) Piramandon	Cochuicorp
7.	KOTTAYAM	(1) Vellore (2) Vakalhanai	Kottayam
8.	ALLEPPEY	(1) Koilnuku (2) Pathiyoor Thotia	Chengannor
9.	QUILON	(1) Punnakhad (2) Cheanapucher	Quilon
10.	TRIVANDRUM	(1) Thiruvallau (2) Kulathoor	Neyythrjur
11.	CANNANORE	(1) Thrikkanarap (2) Chemani	Thrikkanarap

MADHYA PRADESH

Sl. No.	Name of District	Name of Village	Name of Urban Block
1.	MURENA	(1) Torkumble (2) Gaipara	Morena
2.	BHIND	(1) Chilol (2) Chorai	Bhind
3.	GAWALIOR	(1) Samudan (2) Badera Futkar	Gwalior City
4.	DATIA	(1) Kolara (2) Chitwa	Datia
5.	SHIVPURI	(1) Majera (2) Aiswaya	Shivpuri
6.	GUNA	(1) Behtaghat (2) Banserwas	Guna
7.	TIKAMGARH	(1) Atara (2) Bahar Khund	Tikamgarh
8.	CHHATARPUR	(1) Ghindchi (2) Raganti	Chhatarpur
9.	PATNA	(1) Vishrawganj (2) Tiduni	Panna
10.	SATANA	(1) Madhi (2) Dhanhara	Satna
11.	REWA	(1) Kotwa Khas (2) Basanl	Rewa
12.	SHAHDOL	(1) Ghangheri (2) Gohandra	Shahdol
13.	SIDHI	(1) Asni (2) Barhai	Sidhi
14.	MANDSAUR	(1) Atwankalan (2) Gordhampur	Mandsaur (Mali Chowk)
15.	RATLAM	(1) Bhuteda (2) Bara Khedi	Ratlam
16.	UJJAIN	(1) Banjari (2) Nauganva	Ujjain
17.	JHABUA	(1) Bhwikand (2) Badgaon	Jhabua
18.	DHAR	(1) Kathodia (2) Khardli	Dhar
19.	INDORE	(1) Panod (2) Khajaraya	Gangawpose
20.	DEWAS	(1) Lohar Puploja (2) Mujal	Dewas
21.	KHARGONE (W. NIMAR)	(1) Deharia (2) Salon	Khargeuri
22.	KHANDWA (E. NIMAR)	(1) Dasghat (2) —	Khandwa Ward Panara
23.	SHAJAPUR	(1) Bheelwada (2) —	Shajapur

Sl. No.	Name of District	Name of Village	Name of Urban Block
24.	RAJGARH	(1) Brahman Keda (2) Todni	Rajgarh
25.	VIDISHA	(1) Karmadia (2) Jarod	Vidisha
26.	SEHOR	(1) Chamortha (2) Magsaphool	Sehor
27.	RAISEN	(1) Gairatpur (2) Tekapurgarli	Raisien
28.	HOSHANGABAD	(1) Ammupura (2) Bijanwada	Hushangabad (Mangalwar)
29.	BETUL	(1) *Jamzuri* (2) Shangam	*Betul*
30.	SAGAR	(1) Bemheri Hvda (2) Manegaon	Sagar (Mohan Nagar)
31.	DAMOH	(1) Kuluwa (2) *Bilakburd*	Damoh *(Gaurishanker)*
32.	JABALPUR	(1) Bhitoni (2) Tamoriya	Jabalpur Block
33.	NARSHIMHAPUR	(1) Puragwa (2) Kuwati	Narsinghpur
34.	*MANDLA*	(1) *Sakwali* (2) Tikra Sarai	Mandla
35.	CHHINDWARA	(1) Marka Bara (2) Mangaonl	Chhinwara
36.	SEONI	(1) Katal Bodi (2) *Jabar Kathi*	Chhinwara
37.	BALAGHAT	(1) Itora (2) Mana	Balaghat
38.	SURGUJA	(1) Anuj Nagar (2) Siroli	Ambikapur
39.	BILASPUR	(1) Dondaki (2) Bamhni	Bilaspur 25 Town
40.	RAIGARH	(1) Gamhriya (2) Lonjir	Raigarh (Kothara Road)
41.	DURG	(1) Beltu Kari (2) Gaujaidih	Durg
42.	RAIPUR	(1) Joata (2) Birejhar	Raipur
43.	BASTAR	(1) Garh Pichwari (2) Gongla	Jagdalpur
44.	BHOPAL	(1) Harakheri (2) Khajuri Sarak	Bhopal (Khumherpura)
45.	RAJ NANDGAON	(1) Nawa Gaon Nath (2) Jora Tarai	Raj Nandgaon

MAHARASHTRA

Sl. No.	Name of District	Name of Village	Name of Urban Block
1.	GREATER BOMBAY	—	(1) Bandra(E) (2) Bandra (W) (3) Worli (4) Chembutr (5) Khar
2.	THANA	(1) Mandilhani (2) Mayarli	Thana
3.	KOLABA	(1) Ratwad (2) Malyan	Alibag
4.	RATNAGIRI	(1) Vivali (2) Sadaye	Ratnagiri
5.	NASIK	(1) Babhaleshwor (2) Titoli	Nasik
6.	DHULIA	(1) Akkalpadi (2) Saravde	Dhulia
7.	JALGAON	(1) Bilwadi (2) Chawalkhele	Jalgaon
8.	AHMAD NAGAR	(1) Jalak (2) Kalwadi	Ahmad Nagar
9.	POONA	(1) Patau (2) Kodit	Pune
10.	SATARA	(1) Sarali (2) Bhatmarhi	Satara
11.	SANGLI	(1) Manwadi (2) Kamlapur	Sangli
12.	SHOLAPUR	(1) Sawgamner (2) Shingli	Sholapur
13.	KOLHAPUR	(1) Jailat (2) Sasegaon	Kolhapur
14.	AURANGABAD	(1) Chitepuipalgar (2) Sarai	Aurangabad
15.	PARBHANI	(1) Pachegaon (2) *Rahati*	Parbhani
16.	BHIR	(1) Bhend (2) Kolwadi	Bhir (Block 30)
17.	NANDED	(1) Derla (2) Dhanora	Nanded
18.	OSMANABAD	(1) Sarolh (2) Shekapur	Osmanabad
19.	BULDHANA	(1) Palsakhed Noge (2) Borganwasu	Buldhana
20.	AKOLA	(1) Yawal Khed (2) Badgaon	Akola
21.	AMRAVATI	(1) Rund Khwrd (2) Kwed Sungapur	Amravati
22.	YEOTMAL	(1) Kongharei (2) Bhora	Yeotmal
23.	WARDHA	(1) Dighi (2) Kolhapur	Wardha
24.	NAGPUR	(1) Chicholi (2) Raibasa	Nagpur
25.	BHANDARA	(1) Bawhaui (2) Poladi	Bhandara
26.	CHANDRAPUR	(1) Chaknioibala (2) Mesa	Chandrapur

MANIPUR

Sl. No.	Name of District	Name of Village	Name of Urban Block
1.	MANIPUR NORTH	(1) Salam Patong (2) Utonglok	—
2.	MANIPUR WEST	(1) Kuilong (2) Mongijrong	—
3.	MANIPUR SOUTH	(1) P. Menti (2) Tullaion	Hiyangtam Lanka
4.	MANIPUR CENTRAL	(1) Jangjing Part II (2) Arong	Imphal
5.	MANIPUR EAST	(1) Lamlai Khenou (2) Chamue	—
6.	THENGNOUPAL	(1) Bonghi (2) Aimolchingmng	

MEGHALAYA

Sl. No.	Name of District	Name of Village	Name of Urban Block
1.	EAST KHASI HILLS	(1) Paham Rioh (2) Pontum	Shillong
2.	WEST KHASI HILLS	(1) Kllugiri (2) Mavalanjinyr	Pyndingra
3.	JAINTIA HILLS	(1) Jaljiah (2) Moopyuet	Jowar Block
4.	East Garo HILLS	(1) Bangesi (2) Wagersi	Kuam Kalgir
5.	WEST GARO HILLS	(1) Rambagiri (2) Arogiri	Tura

NAGALAND

Sl. No.	Name of District	Name of Village	Name of Urban Block
1.	ZUNHEBOTO	(1) Satakha (2) —	—
2.	KOHIMA	(1) Chedema	Kohima
3.	WOKHA	(1) Pongitong	—
4.	MOKO-KUCHUNG	(1) Aliba (2) Mongchehen	Moko-Kuchung

Sl. No.	Name of District	Name of Village	Name of Urban Block
5.	TUENSANG	(1) Nokyan (2) Sangsomong	—
6.	PHEK	(1) New Phek Village (2) K. Baule	—
7.	MON	(1) Chui (2) Shiyong	—
	ORISSA		
1.	SAMBALPUR	(1) Barabanki (2) Kalangupti	Sambalpur
2.	SUNDERGARH	(1) Ranglamrnda (2) Sikhipani	Sundergarh
3.	KEONJHAR	(1) Bisdapal (2) Kumulbahali	Toda
4.	MAYURBHANJ	(1) Kasibada (2) Bandhemundir	Baripoda
5.	BALASORE	(1) Tartva (2) Junagabada	Basudevpur
6.	CUTTACK	(1) Dalbhaga (2) Tikanpara	Cuttack
7.	DHENKANAL	(1) Jaraokpur (2) Digamdar	Dhenkanal
8.	PHULBANI	(1) Patingia (2) Gandagam	Boudh
9.	BOLANGIR	(1) Bhmti Kiga (2) Desuri	Bolangir
10.	KALAHANDI	(1) Kalimati (2) Charvati	Bhawani Patns
11.	KORAPUT	(1) Gajigaon (2) Peikodakulanguda	Gudari
12.	GANJAM	(1) Sena Sadara (2) Pangidi	Bhanjanagar
13.	PURI	(1) Jhal (2) Alisi	Jatani
	PUNJAB		
1.	GURDASPUR	(1) Majithi (2) Chhalla	Dharmapura
2.	AMRITSAR	(1) Kamoka (2) Uggar Aulakh	Taran Taran
3.	FEROZEPORE	(1) Machhi Bugara (2) Khusa Dal Singh	Fazilka
4.	LUDHIANA	(1) Khamano Khurd (2) Jattpura	Quila Mohalla
5.	JULLUNDUI	(1) Choak Kalan (2) Solrau	Nakodar
6.	KAPURTHALA	(1) Akala (2) Sujokalia	Kapurthala
7.	HOSHIARPUR	(1) Satka (2) Gashi Mutlo	Subhashnagar
8.	ROPAR	(1) Manela (2) Raipur	Rupnagar
9.	PATILALA	(1) Hazipur (2) Fatehgarh	Rajpura
10.	SANGRUR	(1) Bhadalwad (2) Kalaghar	Dhuri Block
11.	BHATINDA	(1) Narindrapura (2) Kartar Singh Wala	Rampura
12.	FARIDKOT	(1) Nangal (2) Goggai	Moga
	RAJASTHAN		
1.	GANGANAGAR	(1) 37 G.B. (2) 8 G.B.	Ganganagar
2.	BIKANER	(1) Nokhe Dyiyo (2) Daalsa Marle	Bikaner
3.	CHURU	(1) Berasar Bara (2) Bhoja Soru	Churu
4.	JHUNJHUNU	(1) Malsar (2) Goth	Jhunjhunu
5.	ALWAR	(1) Jadoli (2) Mostabad	Alwar
6.	BHARATPUR	(1) Nagala Bhua (2) Nohardu	Bharatpur
7.	SAWAI MADHOPUR	(1) Jakhoda (2 Gostabad	Sawai Madhopur
8.	JAIPUR	(1) Somadalhak (2) Palri	Jaipur
9.	SIKAR	(1) Harwas (2) Taysar Kheyroli	Sikar
10.	AJMER	(1) Shivnagar (2) Mangla	Ajmer
11.	TONK	(1) Borkhandikhur (2) Ramchandia	Tonk
12.	JAISALMER	(1) Daiarar (2) Mehrojodh	Jaisalmer
13.	JODHPUR	(1) Sawantah (2) Beeraui	Jodhpur
14.	NAGAUR	(1) Thanoo (2) Karkeri	Nagaur
15.	PALI	(1) Sunderby (2) Poelwrale Twla	Pali
16.	BARMER	(1) Khudashg (2) Sajiyli	Barmer
17.	JALORE	(1) Korawa (2) Moheopur	Jalore
18.	SIROHI	(1) Roda (2) Ker	Sirohi
19.	BHILWARA	(1) Gokulpra (2) Gan Rana	Bhilwara
20.	UDAIPUR	(1) Selu (2) Fategad	Udaipur
21.	CHITTORGARH	(1) Gurli (2) Soaulipalhar	Chittorgarh
22.	DUNGARPUR	(1) Modaia Prithevi-pur (2) Manpur	Dungarpur
23.	BANSWARA	(1) Piplai Dada (2) Kolamgri	Banswara
25.	KOTA	(1) Bilkherawal (2) Nalodiya	Kota
25.	BUNDI	(1) Barphm (2) Inderpur	Bundi
26.	JHALAWAR	(1) Ambala (2) Mauyakheri	Jhalawar
	SIKKIM		
1.	SIKKIM WEST	(1) Singhing (2) Tickjeek	Gayalshing
2.	SIKKIM NORTH	(1) Phoding Tumleng (2) Chumg Thong	Mangem
3.	SIKKIM SOUTH	(1) Gunpa Churpisey (2) Lingove Tokdsy	Namchi Boga
4.	SIKKIM EAST	(1) Nasytam (2) Tarpin.	Rangpo
	TAMIL NADU		
1.	MADRAS		(1) Vivekanand Puram (2) Adayar Alcot Kuppam (3) Cherian Nagar (4) V. Gurusamy Nagar (5) G.T Naidu Nagar

Sl. No.	Name of District	Name of Village	Name of Urban Block
2.	CHINGLEPUT	(1) Vedal (2) Panrutt	Trivellure
3.	NORTH ARCOT	(1) Chinna Thottalam (2) Venkataprmam	Arni
4.	SOUTH ARCOT	(1) Aykuppam (2) Dhavamanallum	Villipuram
5.	DHARMAPURI	(1) Majeedgallahalli (2) Boothanhalli	Palacode
6.	SALEM	(1) Narayanapalyam (2) Jongamasamun-dram	Namakkal
7.	COIMBATORE	(1) Chinna Kumara-polayan (2) Mylampatti	Vallalore
8.	NILGIRIS	(1) Amikara Namlet (2) Bala Cola Villornalli	Uthagamandam Ward (VII)
9.	MADURAI	(1) T. Kuddupatti (2) Eranlam	Madurai
10.	TIRUCHIRAPALLI	(1) Umayal Puram (2) Nagamangalam	Manapurai
11.	THANJAVUR	(1) Agarvallan (2) Nalliehin	Pattukottai
12.	RAMANATHAPURAM	(1) Thulukkapatti (2) Pkodikolam	Karaikudi
13.	TIRUNELVELI	(1) Vagaikulam (2) Alwaneri	Ambassanudram
14.	KANYA KUMARI	(1) Kola Ram (2) Nallur	Padmanalshapuram
15.	PUDUKKOTTAI	(1) Pilivalam (2) Moolampatti	Arnthangi
16.	PERIYAR	(1) Kothamanglam (2) Senapetbypalyan	Bhavauimemapoty

TRIPURA

Sl. No.	Name of District	Name of Village	Name of Urban Block
1.	WEST BENGAL	(1) Barkauthalia (2) Meghipara	Agarthala
2.	NORTH TRIPURA	(1) Sembwehera (2) Jarulherla	Kailashahar
3.	SOUTH TRIPURA	(1) Bagabasa (2) Karaiahera	Beloria

UTTAR PRADESH

Sl. No.	Name of District	Name of Village	Name of Urban Block
1.	UTTAR PRADESH	(1) Chandoli (2) Malla	Uttar Kashi
2.	*CHAMOLI*	*(2) Kulsari* (2) Mahatana Chhatoli	*Joshi Math*
3.	TEHRI GARHWAL	(1) Chakrera (2) Jundaua	Tehri Town
4.	GARHWAL	(1) Nawautala (2) Chauath	Pauri Town
5.	PITHORGARH	(1) Tarigaon (2) Satyalgaon	Pithoragarh
6.	ALMORA	(1) Thafwalgaon (2) Aray	Almora
7.	NAINI-TAL	(1) Sadhu Nagar (2) Malti-Divi	Ram Nagar
8.	BIJNOR	(1) Jahawabad (2) Maudera	Bijnor
9.	MORADABAD	(1) Dewar Khed (2) Shahpur	Moradabad
10.	BADAUN	(1) Karanpur (2) Chhatyya	Ujjhawi
11.	RAMPUR	(1) Har Nagla (2) Chikana	Rampur W. 253
12.	BAREILLY	(1) Nagaria Sadat (2) Gajraula	Barielly
13.	PILI-BHIT	(1) Magrasa (2) Jeora Kalyanpur	Pili Bhit
14.	SHAHJAHANPUR	(1) Rampur (2) Satwan Khurd	Shahjananpur
15.	DEHRADUN	(1) Semmy (2) Sudhonala	Dehradun
16.	SAHARANPUR	(1) Khatakheri (2) Rehmanpur	Gaugah
17.	MUZAFFAR NAGAR	(1) Nagla Mubaric (2) Bijorpura	Muzaffar Nagar
18.	MEERUT	(1) Kaltand (2) Malur	Meerut
19.	BULANDSHAHAR	(1) Ibrahimpur (2) Bahadurpur	Khurja
20.	ALIGARH	(1) Railau Garhi (2) Tipas	Aligarh
21.	MATHURA	(1) Bakalpur (2) Seras	Mathura
22.	AGRA	(1) Gurki Mandi (2) Basai	Agra
23.	ETAH	(1) Baraulia (2) Margaya	Kasganj
24.	MAINPURI	(1) Bilon (2) Anjaui	Mainpuri
25.	FARRUKHABAD	(1) Bharauli (2) Faridpur	Karrnaij
26.	ETAWAH	(q) Kiratpur (2) Murajai	Jaswant Nagar
27.	KANPUR	(1) Kewariya (2) Barokhera	Kanpur
28.	FATEHPUR	(1) Simra (2) Harmawa	Fatehpur
29.	ALLAHABAD	(1) Usrali (2) Jorwat	Allahabad
30.	JALAUN	(1) Bhadau (2) Kushmara	Orai
31.	JHANSI	(1) Ram Nagar (2) Sione Khand	Jhansi
32.	HAMIR PUR	(1) Bharkhari (2) Pachhara	Mahoba
33.	BANDA	(1) Aumiliha (2) Kurrakhud	Banda
34.	KHERI	(1) Baragaon (2) Sunderbal	Lakhimpur
35.	SITAPUR	(1) Narainpur (2) Bibipur	Sitapur
36.	HARDOI	(1) Shekhanpur (2) Rahimpur	Hardoi
37.	UNNAO	*(1) Atawa* (2) Unchagaon	Unnao
38.	LUCKNOW	(1) Mandauli (2) Bargadilola	Lucknow
39.	RAE BARIELI	(1) Laghu bamau (2) Bigbia	Jais
40.	BAHRAICH	(1) Deolakha (2) Chichri	Chandapura
41.	GONDA	(1) Nowdih (2) Kohar Goddi	Morbimotuthan
42.	BARA BANKI	(1) Amdaha (2) Lalgunj	Peer Vatan
43.	FAIZABAD	(1) Gyampur (2) Udhai	Faizabad
44.	SULTAN PUR	(1) Durgapur (2) Bedupara	Sultan Pur
45.	PRATAP GARH	(1) Somawa (2) Jogapur	Malwli
46.	BASTI	(1) Mahughat (2) Jangal Kala	Basti
47.	GORAKHPUR	(1) Bankata (2) Senbarsa	Gorakhpur
48	DEORIA	(1) Kotwa (2) Babhnauli	Deoria

Sl. No.	Name of District	Name of Village	Name of Urban Block
49.	AZAMGARH	(1) Sodipur (2) Bhawanpur	Azamgarh
50	JAUNPUR	(1) Kalwari (2) Bhagwanpur	Jaunpur
51.	BALLIA	(1) Paidhara (2) Kharicha	Ballia
52.	GHAZIPUR	(1) Dharwara Kalan (2) Bhadrasew	Gazipur
53.	VARANASI	(1) Phutia (2) Kusera	Varanasi
54.	MIRZAPUR	(1) Perha (2) Barasur	Mirzapur
55	LALITPUR	(1) Khilwaus (2) Terai	Lalitpur
56.	GHAZIABAD	(1) Fazilpur (2) Khora	Hapur Block
	WEST BENGAL		
1.	DARJEELING	(1) Pajgenj Khas Mahal (2) Pajghata	Darjeeling
2	JALPAIGURI	(1) Paschim Satoli (2) Uttra Altagram	Donohari
3.	COOCH BEHAR	(1) D.K. Gopal Pur (2) Toofan Ganj	Mokkli Ganj
4.	WEST DINAJPUR	(1) Bodra (2) Prabatpur	Gangrampur
5	MALDA	(1) Sikataui (2) Talani	English Bazar
6.	MURSHIDABAD	(1) Suigadda (2) Pasai	Coosum Bazar
7.	NADIA	(1) Ichapur (2) Bahadurpur	Bagula
8	24-PARAGANAS	(1) Srikrishnapur (2) Sarberia	Krishnapur
9.	HOWRAH	(1) Kausaua (2) Gangaram Pur	Manikpur
10.	CALCUTTA	—	(1) I U No. 129 Block 6 (2) I.U No. 21 Block 6 (3) I U No 47 Block 19 (4) I U No 120 Block 13 (5) I U No 75 Block 6
11.	HOOGHLY	(1) Coinathpur (2) Hooghly	Aram Bagh
12.	BURDWAN	(1) Keotsa (2) Kayaldanga	Dauihal
13.	BIRBHUM	(1) Dultikuri (2) Beoguri	Santhia
14.	BANKURA	(1) Laxman Kanta (2) Daksuj Kamalpur	Khatra
15.	MIDNAPUR	(1) Dhangri (2) Khas Mulda	Amlagora
16	PURULIA	(1) Nanna (2) Goali Kocha	Raghunathpur

Sl. No	Name of District	Name of Village	Name of Urban Block
	ANDAMAN & NICOBAR ISLANDS		
1.	ANDAMAN	(1) Tugapur (2) Ferarganj	Delanipur
2.	NICOBAR	(1) Gandhinagar (2) Jaeyanti	—
	ARUNACHAL PRADESH		
1.	KANEG	(1) Louer Dyong (2) Khalibok	Bondita
2.	SUBANSIRI	(1) Togo (2) Siro	—
3	SIANG	(1) Jomlomagkui (2) Pobdi	Along
4	LOHIT	(1) Jeko (2) Manmaru	Tezu
5.	TIRAP	(1) Lopman (2) Zedwa	—
	CHANDIGARH		
1.	CHANDIGARH	(1) Khudo Alishaha (2) Dadu Majra	Chandigarh
	DADRA & NAGAR HAVELI		
1	DADRA & NAGAR HAVELI	(1) Amboli (2) Morkhal	—
	DELHI		
1.	DELHI	(1) Chandan Mowla (2) Khampur	(1) Kailash Nagar (2) Bhapa Nagar (3) Sunlight Colony (4) Safdarjung Colony (5) Chandni Chowk
	GOA DAMAN & DIU		
1.	GOA	(1) Ibrampur (2) Maufinguin	Vasco
2.	DAMAN	(1) Parairi	—
3	DIU	(1) Bucharvada	—
	LAKSHADWEEP		
1	LAKSHADWEEP	(1) Chetlat (2) Agatti	—
	MIZORAM		
1	CHHIMTUIPUI	(1) Bulapai (2) Lungpher	—
2.	AIZAWL	(1) Heimen (2) Lungleng	Sadar
3	LUNGLEI	(1) Hanvuang (2) Theriat	Lunglei
	PONDICHERRY		
1.	KARAIKAL	(1) Pettai (2) Kharmbagreur	Karaikal
2	MAHE	(1) —	Mahe
3	PONDICHERRY	(1) Mepari Kapallar (2) Odiampet	Pondicherry
4	YANAM	—	Yanam

APPENDIX XVII

SOCIO-EDUCATIONAL SURVEY

INSTRUCTIONS FOR FILLING-IN OF SCHEDULES

A GENERAL :

1 Under this Survey two sample villages and one urban block will be covered from each district in the country All the households in the selected areas are to be covered

2 As far as possible the schedule could be filled in English. Hindi may be used only where investigators have no knowledge of English

3 All entries may be made in ink in neat and legible hand-writing.

4 Figures should be given to Arabic numerals only

5 The 'Household Schedule' is meant both for Rural and Urban areas. The words 'Rural' and 'Urban' have been printed on the first page (right-hand top corner) of the Schedule While canvassing these schedules for Rural areas, the word, 'Urban' may be deleted and, for the Urban, the word 'Rural' may be deleted Part IV A of the schedule pertains of Rural areas only and Prat IV-B to Urban areas only

6 For this Survey, a 'household' may be defined as a group of persons commonly living together and ordinarily taking their meals in a common kitchen A servant satisfying the above criteria will form a member of the household Every household in the village should be covered irrespective of the fact whether it formed a part of the 'census house' or not.

7 Assuming that normally a household will not have more than ten members, ten squares have been placed against items where particulars about each member are required to be entered separately Under such items, several possible answers bearing code numbers have been given in Annexure II Select the code number applicable to each number and enter it in the relevant squares Items numbered 11, 12, 17, 18 and 19 of Part II of the schedule are illustrative of this point.

8 If the number of members of a household exceeds ten, a separate schedule may be used and attached with the main schedule

9 For the State, district, tehsil, village or town, the codes will remain as given in the economic census (1977) of the State These may be entered in the squares provided against these items at the beginning of the schedule

10 After canvassing all the schedules in the village or urban blocks, an inventory of all castes covered may be prepared and sent alongwith the filled-in- schedules

B PART I HOUSEHOLD PARTICULARS

[*Note Item numbers in these instructions correspond to item numbers of the household schedule*]

1 If more than one Investigator is employed to cover a village or an urban block, item 1 partaining to 'Serial Number of household' should be left blank in the beginning After covering all the households in the village or urban block, the schedules should be numbered serially starting from 1, in one go

Ietms under 2(d) and 2(e), names of castes/Hereditary Groups/Sub-Castes may be written in block letters in the rows of squares provided against each item While doing so only one letter may be put in each square.

2(d)(i) 'Hereditary Group' is applicable to non-Hindu house-holds only It may be defined as a distinct group, which generally follows some common social conventions or follows some traditional occupation

2(e)(i) Sub-caste will be applicable to Hindu households only

2(g)(ii) Under this item may be indicated the actual names of one, two or three occupations, as the case may be, which are traditionally associated with the caste of the concerned household It does not matter that no member of that household is presently engaged in any of these occupations

A list of common traditional occupations with code numbers is given at Annexure I. The relevant code numbers from this Annexure may be given in the squares provided against this item

4(a) A 'hut' could be a temporary kuchha structure House may be both kuchha or pucca but would be a permanent nature

4(b) A 'pucca house' would be one which is constructed out of standard materials such as bricks, stones, timber, lime and bonded together by cement, mortar etc

In respect of items No 2(c), 2(f), 4(f)(i), 4(f)(ii), 4(g), 4(h), 4(i), 11, 12, 17, 18, 19, 24(b), 26, 27, 49, and 50 codes against each items are given in Annexure II. These codes cover, as far as possible, the possible answers to the concerned item In the square provided against each item, only the relevant code number may be entered

The following example may be useful Item No 4(f)(i) pertains to the source of drinking water supply and seven possible sources bearing code numbers have been mentioned under this item. In case the source is 'Handpump', code No 4 may be entered in the square placed against this item

C PART II PARTICULARS OF HOUSEHOLD MEMBERS

10 Age should be given in completed years only For all individuals exceeding 99 years, the age may be recorded as 99 as only two squares have been provided against this item

14 A 'worker' is a person who does economically productive work through physical or mental activity

Under the 'Main and 'Subsidiary' work, the two digit code given in Annexure III be followed The code number of the occupation followed by an individual may be separately entered in the individual square provided for each member of the household (Two squares have been provided for each of the ten members of the household as the code runs into two digits)

16(a) In case of wage earners, the actual daily wage may be given in rupees only separately for 'main' and 'subsidiary' occupations Two squares have been provided for each of the ten members of the household Earnings in rupees may be entered in these squares

20 Here 'seeking work' means that the person concerned should have made conscious and demonstrable effort to get employment

D PART III APPLICABLE TO NON-STUDENTS BETWEEN 5 TO 15 YEARS

21 The corresponding S No given in Part II of the schedule for children between 5 to 15 years may be entered here Space is provided for eight children only In case the actual number exceeds eight, another schedule may be attached to the main schedule

(Annexure I)

LIST OF TRADITIONAL OCCUPATION

S. No	Traditional Occupation	Codes
1	Cultivation of own land	01
2	Tenant farming	02
3	Agricultural labour	03
4	Vegetable & Fruit cultivation and selling	04
5	Gardening, growing and selling of flowers	05
6	Cattle rearing	06
7	Sheep rearing	07
8	Fishery	08
9	Piggery	09
10	Butchery	10
11	Hunting	11
12.	Tanning and Skinning of hides and making of leather goods	
13	Weaving of cotton, wool or silk	
14	Tailoring	14
15.	Dyeing and printing of cloth	15
16	Cloth washing	16
17	Mat, rope and basket making	17
18	Carpentary	18
19	Black-smithy	19
20	Gold-Smithy	20
21	Barber	21
22.	Oil crushing	22
23	Pottery making	23
24	Toddy Tapping	24
25	Scavanging	25
26	Nursing and Midwifery	26
27	Lime burning	27
28	Astrology, Palmistry and fortune telling	28
29	Mason	29
30	Stone cutting	30
31	Bangle making	31
32	Water Carriers	32
33.	Religious and temple services	33
34	Bird Catching	34
35	Attending to funeral rites	35
36	Money lending	36

(Annexure II)

LIST OF CODES

(House hold Schedule)

Item		Codes
2(c) Religion	Hinduism	—1
	Islam	—2
	Christianity	—3
	Sikhism	—4
	Buddhism	—5
	Jainism	—6
	Others	—7
2(f)	Scheduled Caste	—1
	Scheduled Tribe	—2
	Other Backward Classes	—3
4(f)(i) Main source of drinking water	Well	—1
	River and Canal	—2
	Pond	—3
	Handpump	—4
	Tank	—5
	Tap	—6
	Others (specify)	—7
4(f)(ii) Distance of source of water from the house	Within premises	—0
	Outside premises— Less than 0 5 Km	—1
	Between 0 5 Km. to 1 0 Km	—2
	Between 1 0 Km to 3 0 Kms	—3
	More than 3 Kms.	—4
4(g) Main source of lighting in the house	Electricity	—1
	Kerosine	—2
	Diya	—3
	No Light	—4
	Others	—5
4(h) Main source of fuel for cooking	Cowdung	—1
	wood	—2
	Kerosine	—3
	Coal	—4
	Gobargas	—5
	Gas	—6
	Electricity	—7
	Others	—8
4(i) Toilet facilities	Dry	—1
	Water-borne	—2
	Public	—3
	Open air Latrine	—4
11. Educational Standards	Illiterate	—1
	Literate but below primary	—2
	Primary	—3
	Middle	—4
	Secondary	—5
	Graduate and above in agriculture	—6
	Graduate and above in Engineering and Technology	7
	Gtaduate and above in Medicine	— 8
	Graduate and above in other subjects	—9
	Other (specify)	—10
12. Marital Status	Unmarried	—1
	Married	—2
	Widowed	—3
	Divorced/Deserted	—4
17 Distance of place of work	At home itself	—0
	Less than 0 5 Km.	—1
	Between 0 5 Km to 1 0 Km	—2
	Between 1 0 km to 3 0 kms	—3
	Between 3 0 Kms to 5 0 kms	—4
	Between 5,0 kms to 10 0 kms	—5
	10 kms and above	—6
18. Employment Status	Employer	—1
	Employee	—2
	Self-employed	—3
	Family worker	—4
19 Sector in which employed	Government (Factory)	—1
	Government (Other)	—2
	Non-Government (Factory)	—3
	Non-Government (Other)	—4
24(b) Reason for dropping	Lack of interest in studies	—1
	Poor performance in the School	—2
	No money to pay for fees, books, etc	—3
	Joined the labour market to supplement family income	—4
	Illness of parents or self	—5
	For assisting the family in agricultural work or bussiness	—6
	Own marriage	—7
	Difficulties of commutation the educational Institutions being situated at a far off distance	—8
	Other (specify)	—9
26. Place of work	On the farm	—1
	Household industry	—2
	Organised Industry	—3
	As shop assistant	—4
	As domestic/hotel servant	5
	Others(specify)	6

Item		Codes
27 Reasons for not attending School	Too young to go to School	—1
	School facilities not available in the neighbourhood	—2
	Not interested in education	—3
	Compelled to participate in economic activities	—4
	Other reasons (specify)	—5
49 Reason for taking loan	For meeting family obligation	—1
	For business purpose	—2
	For education of children	—3
	For meeting expenses on medical treatment	—4
	For construction of house	—5
	For construction of tubewell	—6
	For purchase of seeds fertilizer	—7
	For purpose of land	—8
	Others (specify)	—9
50 Source of which loan taken	Banks including Co-operative bank	—1
	Cooperative Credit Society	—2
	Registered money lenders	—3
	Other (specify)	—4

ANNEXURE II

LIST OF ECONOMIC ACTIVITIES

Sl. No		Codes	Sl No.		Codes
1	Cultivation	01	22	Manufacture of tobacco products	22
2.	Agricultural labourer	02	23	Carpet and daree making	23
3	Plantation	03	24	Cotton ginning, cording processing and baling	24
4	Vegetable growing	04	25	Handloom weaving	25
5	Gardening	05	26	Cloth printing	26
6	Dairy farming	06	27	Hosiery and embroidery work	27
7	Poultry farming	07	28	Manufacture of pulp and papers, card board, paper toys by hand	28
8	Bee keeping and rearing of silk worm	08	29	Making of coir mats	29
9	Orchard growing	09	30	Carpentry including manufacture of wooden furniture, basket making, canning of chairs, making of chicks, khas tatties, etc	30
10	Livestock farming	10	31	Manufacture of leather and leather products	31
11	Pottery	11	32	Tailoring, dress making and upholstery work	32
12.	Black-smithy	12	33	Tool making	33
13	Goldsmithy	13	34	Electrical works	34
14	Carpentry	14	35	Making of rubber, chemicals, plastics and their products	35
15	Forestry	15	36	Combination work	36
16	Hunting	16	37	Trade and Commerce	37
17	Fishing	17	38	Transport, storage and communication	38
18	Mining	18	39	Others	39
19	Quarrying	19			
20	Production of Foodstuffs	20			
21	Production of liquor, tody and other beverages	21			

APPENDIX XVIII

Supplementary guidelines for filling-in of village and Household Schedules—Socio-Educational Survey of the Backward Classes Cimmission

The following points relating to the Village and Household Schedules, of the Socio-Educational Survey of the Backward Classes Commission are clarified in the light of the discussions in the Contact Officers Conference held on the 9th and 10th January, 1980

These clarifications would supplement the Instructions already issued in regard to the filling up of the Schedules

The State Contact Officers/District Statistical Officers are requested to pay particular attention to these points while briefing the field investigators —

1 **VILLAGE SCHEDULE**

1 *Part I—General*

No entry is to be made by the Investigators against the item population of Village on the date of Survey covered

2 *Part II—Village Amenities*

(*a*) The amenities entered in part II of the Village Schedule shall be for the entire village and not for the households covered in those cases where only part of the households of the village are being covered (This will arise only in those cases where a village is not being fully covered as decided in the Contact Officers' Conference)

(*b*) Where information in regard to the village amenities are readily available from the economic survey carried out recently, the information from the Economic Survey is to be incorporated in part II of the Schedule This will apply to those villages where the Economic Survey had actually been completed by the date of the canvassing of the Village Schedule

c *Part III (a)*

(*a*) *Pre-dominant castes/hereditary groups/religious groups living in the village*—Only Col 2 (name of caste/group, etc) and Col 8 (whether nomadic) are to be filled up and the rest of the columns are to be left blank All the castes surveyed in the village are to be indicated in Col 2 and the corresponding entry in Col 8 (in the form 'Yes/No') is to be made In the case of a caste group following 'Jhoom cultivation', the entry in Col 8 would be 'jhoom cultivation'

3 *Part III (a)*

Organisation/Association Active in the Village—This table will include voluntary/Non-official organizations associations engaged in social work/upliftment of economic/educational conditions/safeguarding of interests of particular group/running of institutions and *would also include Government, Semi-Government or Government Sponsored agencies of a similar nature*

B **HOUSEHOLD SCHEDULE**

1 *Location Codes*—The Codes for the State, District, Taluk/Tehsil, Village/Mauza/Town. Ward/Mohalla may be given as per the Economic Census codes of the respective States, (This refers to Code Square 1—11)

2 *Part (I)*

(1) Item 2 (d) (i)—Caste will be entered in the name of Hindus and sikhs only and in the case of other religious communities/hereditary group is to be entered (Code Squares 18—42 for castes, and 43-67 for hereditary groups)

If a particular caste/hereditary group is known by a multiple name, the full multiple name with a 'dash' between each name is to be entered The 'dash' will be entered separately in one square between the separate names,*e g* in the case of a Brahmin Gaddi, the entry would be "BRAHMIN-GADDI", in the case of Sunni Gujars, the entry would "SUNNI-GUJAR"

3 (2) (*f*)—(*Code Square* 193)—

The information here should be based on the Statutory lists of Scheduled Castes and Scheduled Tribes, for other Backward Classes, the State lists where officially notified, is to be used. Where no State list for other backward Classes exists, no entry is to be made

4 *Item* 3 (*Code Square* 202)—
Cultivable land is to be defined as net area sown plus current fallows with reference to the year preceding the date of the Survey

5 *Item* 4 (*c*) (*Code Square* 265)—

A 99 year lease of the land on which the house is constructed should be classified as 'owned'

Item 4 (*d*) (*Code Square* 266)—
A 99 year lease is to be considered as 'owned'

6 *Item* 5 (*Code Square* 274—278)—

Where the total household income is Rs 1,00,000 and above, the figure 99,999 is to be recorded (income will also constitute remittances received from abroad, interest on securities etc)

PART (II)

7 *Item* 11 (*Code Squares* 309—328)—

Where educational standard is classified as "other" (Code 10), only "10" may be entered in the respective square and the nature of the educational standard is not to be specified.

8 *Item* 13 (*Code Squares* 339—358)—

Age at marriage is to refer to age at first formal marriage only

9 *Item* 14 (*a*) (*Code Squares* 359—378)—

The main occupation is to be entered with reference to the occupation in which the maximum amount of time has been spent with reference to the year preceding the date of the survey

10 *Item* 16 (*a*) (*Code Squares* 409—428 *and* 429—448)—

The wage rate per day would be the average daily wage rate during the year.

11 *Item* 18 (*Code Squares* 519—528)—

(*i*) An employer (Code 1) would be a person having at least one hired worker self-employed (Code 3) would be a person who does not employ a single hired employer

(A person who works himself and at the same time, takes the assistance of another person in return for wages either in cash or kind, would not be classified as self-employed, but would be classified as an employer)

(ii) In the economic activity Codes given in Annexure 3 of the Instructions, Code 36 is to be read as "construction work" and not as continuation work.

(iii) Where the economic activity cannot be defined in terms of the Code structure given in the list, a residual Code "40" may be entered (This has reference to items 14 and 16 of Part II)

12 *Part III*

Part III will apply to those categories of non-students who have dropped out of the educational system completely, but who may at the time of the Survey be engaged in learning music, dance, or other similar artistic skills at home without attending a formal institution. Non-students will, however, not include any one between the age group 5—15 years who is undergoing training in any craft (*e g* weaving, carpet making pottery etc) in any recognised or unrecognised institution

13 *Part IV* (General)

Under description of 'assets' Part A and Part B are not to be considered as mutually exclusive In case a household living in the rural sample unit has property in any urban area, part B is to be filled up Similarly, in case of a household living in a sample urban block has property in any rural areas, Part A is also to be filled up

14 *Item* 44(i) (*Code Squares* 752, 753, 757)—

The total number of units irrespective of category (i e Cycle/Motor Cycle/Car) is to be given in Code Square 752 The total value of all the units is to be given in Code Squares 753 and 757 However, it would be useful if the particular mode of conveyance is also tick marked against the description given in 44(i) (e g, if a household wons one Cycle only, the appropriate entry is Code Square 752 would be '1' and tick mark may be made over the word 'Cycle', if a household owns 2 Cycles and 1 Motor Car the appropriate entry in Code square 752 would be '3' and a tick mark each may be made over the words "Cycle" and "Motor Car".

15 *Against item* 44(iv) (*Code Squares* 782, 783—787)—

No entry will be made regarding value in Code Square 783—787

16 *Part V Indebtedness* (*General*)

Loans taken from Government sources for construction of houses and/or purchase of conveyance etc, may also be included, the value being indicated against Code Squares 810—815 (Item 48)

17 *Against item* 49

If loan has been taken for purchase of conveyance, Code '9' is to be used without specifying the nature

18 *Against item* 50 *i e* (*Code Square* 817) —

If the source is Government, Code 4 relating to others is to be used without specifying the source.

APPENDIX XIX

BACKWARD CLASSES COMMISSION SOCIO-EDUCATIONAL SURVEY

Special instructions regarding scrutiny of schedules

The following table is to be used by the supervisors at the District level Each household schedule should be checked in accordance with the following points immediately after it is handed over by the Investigator in the field Discrepancies, if any, requiring removal by recourse to further investigation in the field may be completed before the schedules or sent to the BCC Hqrs at New Delhi by the stipulated date

SERIAL NUMBER OF HOUSEHOLDS

2 It is important that the serial numbering of households covered in a village or urban block is made properly since more than one investigator is likely to work in a village/urban block The serial numbering should be done in advance of the survey starting from No 1 in-one go far all households of a particular village/urban block and not investigator-wise The serial No of household for a particular village/urban block should, therefore, be unique This may be checked when all the household schedules for a village/urban block are turned in after completion by all the investigators working in the same village/urban block

LOCATION CODES

3 This is important to ensure that no household is covered more than once Check that the right Economic Census codes have been used for description of State/District/Taluq/Tehsil/Village/Moza/Town/Ward/Mohalla, in code boxes 1—11

RURAL/URBAN HOUSEHOLDS

4 In top right-hand corner of the household schedules, the word "Rural" or "Urban" is to be scored out, as the case may be Check that in case of rural household code boxes 5 & 6 pertaining to Taluq/Tehsil and Code boxes 7 to 9 pertaining to Village/Moza are filled in correctly

5 If the word 'Rural' is scored out, check that the appropriate entry has been made from the Economic Census Code for town in code Boxes 7 to 9 and for Ward/Mohalla in code boxes 10 & 11

PART I

6 Question 2(b) (Code boxes 15-16), check size of household entered against actual number of members given in part II questions 6 and 7

7 Question 2(c) (Code box 17) regarding Religion, if entry is 'Hindu', hereditary group is crossed out in question 2(b) and name of caste (Code boxes 18—40) is entered, if in 2(c) the entry is of a non-Hindu religion, check that Caste' is crossed out in question 2(d) and the appropriate hereditary group is entered in code boxes 43—67 Similarly, check if code boxes 118 to 142 are filled in question 2(c) only if entry regarding religion in 2(c) is Hindu (i.e. Code 1)

8 Question 2(a) (Code Box 194) If answer is 'no' (Code 2) Check that code boxes 195—200 in question 2(g)(ii) are not filled in

9 Question 3 (Code box 202) If answer is 'no' (Code 2) check that questions 3(a) (b) (c) (d), (Code boxes 203—262) are not filled in

PART II

10 Question 14 (Code boxes 359—378, 379—398) Check whether appropriate boxes (399—408) are filled in.

11 Question 15(a) (Code boxes 409—428 429—448), If Code in boxes 339—408 used in '2' (working for others) check whether a response to question 16(a) (Code boxes 409—428, 429—448) has been filled in the appropriate box Similarly there should be a corresponding entry in question 16(b) (Code boxes 449—478) and (479—508)

12 Question 18 (Code boxes 519—528) If self-employed is reported (Code 3), check that no entry is made in question 16(a) in the appropriate box and code 1 (working for himself) is used.

13 Question 19 (Code boxes 529—538) If codes 1, 3 & 4 are used in any of the boxes in question 18 (boxes 519—528) Code No 1 in question 19 (code boxes 529—538) should not have been reported

14 Question 20 (Code boxes 539—548) Check that entries are made in question 20 (code boxes 539—548) only when no entry exists under that particular serial number in questions 14—19

PART III

15 Question 21 (Code boxes 549—564) Check if Sr Nos. of household members tally with Sr Nos. in question 6 part II Check also that serial number entered in question 21 do not include any member of the household in whose case in question 10 part 2 (code boxes 289—308) age has been recorded below 5 or over 15

16 Question 24(a) (Code boxes 589—604) Check that entry of drop-out age has a corresponding entry regarding reasons in question 24(b) (code boxes 605—612)

17. Question 25 (Code boxes 613—620) Check entry with entry in question 14 If in question 14, Worker' has been reported entry in question 25 should be present.

18 Question 27 (Code boxes 629—636) If entry has been made Check if corresponding entry exists in question 22 (Code boxes 565—572) and the entry is no' (Code 2)

APPENDIX—XX

LIST OF MEMBERS OF SUB-COMMITTEE OF THE TECHNICAL COMMITTEE

1 Prof B K Roy Burman
Vishava-Bharti,
Sriniketon,
Birbhum
West Bengal

2 Prof Yogendra Singh
Centre for Study of Social Systems,
Jawaharlal Nehru University,
New Delhi

3 Shri G A. Kulkarni
Central Statistical Organisation,
New Delhi

4 Dr N R Parthasarthy
Joint Director,
Backward Classes Commission,
New Delhi

Vol. III
Study Prepared by the Indian Law Institute

Part I
Analysis of the Court Cases and Legislative Debates leading to the First Amendment of the Constitution

APPENDIX—XXI

BACKWARD CLASSES COMMISSION

(Socio educational Survey)

FINAL LIST OF TABLES

Note At the end of each table it is necessary that

(1) The State totals and average wherever necessary should be provided, and

(2) For each caste sub-totals must be provided and necessary averages and percentages should be worked out in sub-categories as well as the caste

Table 1 Distribution of households by village/urban block and by district

2 Names of castes with alternative names

3 Castewise distribution of number of households, number of persons by sex and average size of the household and percentage of households considered as backward by others

4 Castewise distribution of households with size of land holding under different levels of education of the heard of the household

5 Castewise distribution of households in different traditional occupations and ownership of land

5 Castewise distribution of ownership of homestead land, house type by broad category and constructional material by traditional occupation

7 Castewise distribution of sources of drinking water with educational attainment of the head

8 Castewise distribution of distance of main sources of drinking water for each traditional occupation

9 Castewise distribution of workers and non-workers

10 Population by Religion/Caste/Hereditary group/educational attainment, age and sex

11 Number and percentage distribution of population under different educational attainment groups by sex for each caste

12 Population by Religion/Caste/Hereditary group/Main Economic Activity and sex

13 Population by Religion/Caste/Hereditary group/Subsidiary Economic Activity and, sex

14 Religion/Caste/Educational attainment and work participation rate by sex

15 Population by Religion/Caste/Hereditary group/age at marriage and sex.

16 Population by Religion/Caste/Hereditary group/educational attainment/age at marriage and sex

17. Percentage of Manual labourers, working for themselves/for others, by religion/caste/heredi-tary group/main Economic Activity and sex.

18. Percentage of manual labourers working, for themselves/for others by religion/caste/hereditary group/educational attainment of household members and sex.

19 Wage-rates for males and females by Main and Subsidiary Economic Activity

20 Days of Economic Activity per year in different occupations by sex.

21 Workers by employment status by religion/caste/hereditary group and traditional occupations

22 Religion/caste/hereditary group/occupation/non-students between age 5—15 years having never attended a school by no of years of schooling

23 Religion/caste/hereditary group/occupation, [illegible] student between age 5—15 years having n[illegible] attended a school by reasons.

24 Religion/caste/hereditary group/educat[illegible] attainment of the head/drop-outs among [illegible] students between age 5—15 years having [illegible] attended a school by reasons for dropping and average age at drop out

25 Religion/caste/hereditary group/traditi[illegible] occupation, non-students between age 5–[illegible] years having never attended a school by reas[illegible]

26 No of tools owned by religion/caste/heredit[illegible] group and occupation

27 Average value of assets per household by [illegible] gion/caste/hereditary group and traditio[illegible] occupations

28 Households taking loan with the size of loan religion/caste/hereditary group/educatio[illegible] attainment of the head, size of loan [illegible] capita indebtedness

29 Sources from which loan taken by religi[illegible] caste/hereditary group by reasons and traditio[illegible] occupations

30 Caste/Traditional occupation educational atta[illegible] ment of the members of the household an[illegible] th[illegible] present occupation

31 Religion/caste/no of households/percentage [illegible] lowing traditional occupation and their litera[illegible] levels

Analysis of the Judgments of Supreme Court and the High Courts leading to the First Amendment of the Constitution

Article 15(1) of the Constitution of India specifically bars the state from discriminating against any citizen of India on grounds only of religion, race, caste, sex, place of birth or any of them. This provision represents another dimension of the principle of equality enshrined in article 14 Where a law falls within the prohibited confines of article 15(1), it cannot be validated by recourse to article 14 and by applying any principle of reasonable classification. The cumulative effect of articles 14 and 15 is not that the state cannot pass unequal laws, but if it does enact unequal laws, they have to be justified on reasonable classification and because of article 15(1), *religion, race, caste, sex or place of birth* alone cannot be a reasonable ground for discrimination. Further, article 29(2) also guarantees protection to citizens against state action which discriminates admission to educational institutions on grounds of religion, race, caste, language or any of them.

This being the position, soon after the coming into force of the Constitution, challenges were made to governmental programmes aimed at making special provisions for weaker sections of society in the field of education and housing. Two judicial decisions, one of the Supreme Court and the other of the Bombay High Court led to the First Amendment of the Constitution in 1951.

The Supreme Court decision is *State of Madras* v *Champakam Dorairajan*[1] For many years before the commencement of the Constitution, admission to professional colleges such as Medical and Engineering Colleges was regulated on the basis of religion, caste and race set forth in the Communal G O For every 14 seats to be filled by the Selection Committee, candidates were selected on the following basis :

Non-Brahmins (Hindus)	6
Backward Hindus	2
Brahmins	2
Harijans	2
Anglo Indians & Indian Christians	1
Muslims	[illegible]

Two Brahmin candidates, one each for Medical and Engineering Colleges respectively, who could not get admission, challenged the Communal G O as being violative of the fundamental right in article 29(2) Even though they had academic qualifications, they were refused admission on the ground that they were Brahmins Apparently admission was refused on the basis of religion, race and caste. The Supreme Court in an opinion by Justice S. R Das held that the Classification in the Communal G O. was based on religion, race and caste which is forbidden under article 29(2). The Court rejected the argument of the State based on article 46 which enjoins on it to make special provisions for the educational and economic interests of the weaker sections of the people, on the ground that the fundamental rights were, "sacrosanct and not liable to be abridged by any Legislative or Executive act or order, except to the extent provided in the appropriate Art in Part III In our opinion, that is the correct way in which the provisions found in parts III and IV have to be understood".

The Court invalidated the Communal G O. on the ground that it classified admission on the basis of religion, race and caste.

The second is the Bombay High Court decision in *Jagwant Kaur* v *State of Bombay*.[2] In this case an order of the collector of Poona under section 5 of the Bombay Land Requisition Act for requisitioning some land in Poona for the establishment of a Harijan Colony was challenged as violative of article 15(1). The basis of challenge was that a colony intended for the benefit only of Harijans was discriminator under the above constitutional provision Further it was held that article 46 could not override an fundamental right. Consequently, the order wa declared void.

At the time of the decision in th case, (18-2-1952), presumably the First Amendment had not come into effect Chief Justic Chagla had observed .

> We date say that after the amendmer it would be possible for the State to pı

1. AIR 1951 S C. 226.

2. A I.R 1952 Bom. 461.

> up a Harijan colony in order to advance the interest of the backward class. But till that amendment was enacted, as Article 15 stood, it was not competent to the State to discriminate in favour of any caste or community.[1]

Thus, it may be pointed out that it was these two decisions which led to the amendment of article 15. The First Amendment incorporated clause 4 to article 15 empowering the State to make special provisions for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes despite article 15(1) or clause (2) of article 29. The object of the constitutional amendment was to bring articles 15 and 29 in line with article 16(4) which empowers the State to make special provisions for the backward classes in matters of public employment.

1. Id. at 462.

Analysis of the Debates of the Constitution (First Amendment) Act, 1951 in so far as it pertains to the addition of Article 15(4)

As noted earlier, *Champakam Dorairajan's* case invalidated the Madras reservations in educational institutions and by implication barred all preferential treatment outside the sphere of government employment. This decision caused a political agitation in South India and led to the amendment of article 15 by adding clause (4). In the debate on the amendment Prime Minister Nehru remarked .

> The House knows very well and there is no need for trying to hush it up, that this particular matter in this particular shape arose because of certain happenings in Madras.[1]

While others generally agreed that the momentum for the amendment was given by the Madras agitation, Shankaraiya pointed out that

> It is not only the Madras Government that is concerned with this but the whole of South India—the State of Mysore, Travancore-Cochin and even Bombay [2]

Deshmukh, however, pointed out that the problem was not confined to Madras but was bound to arise elsewhere as soon as the backward classes became more aware and assertive [3]

The debates over the amendment revolved around the desirability of providing educational preferences to the backward classes, and it related in part also to the question of identification of the backward classes (who were the backward classes ?).

The bill was referred to a select committee after some discussion on May 16, 1951 Further debate on the amendment to Article 15(4) took place on May 18, 29, 30, 31 and June 1 and 2 The clause inserting article 15(4) was passed on June 1, and the entire bill on June 2 This amendment was one of the three major changes made by the Constitution We are not concerned with the other two.

1 Parliamentary Debates, Vol XII—13 (Part II) at col. 9615
2 Id. at 9000
3 Id. at 9775.

The original draft of article 15(4) would have added to article 15(3) which authorised special provision for women and children, the words :

> or for the educational, economic, or social advancement of any backward class of citizens.[4]

Nehru explained that the Select Committee chose the words as they are now in Article 15(4) "because they (socially and educationally backward classes) occur in Article 340 and it wanted to bring them bodily from there".[5]

Thus the language of Article 15(4) is on the lines of article 340 which provides that the Backward Classes Commission to be set up under that article would list the "socially and educationally backward classes of citizens" The issue whether the determination by the Commission and later by the President would be final agitated the members. While some members such as Thakaur Das Bhargava[6] and M A Ayyangar[7] liked the final phrasing because they thought it limited backward classes *to those to be specified by the President* after the recommendation of the Commission under article 340, others, such as, Hukum Singh[8] and S P Mookerjee[9] objected that they were not so confined In fact an amendment to make clear this limitation to the groups specified under Article 340 was not accepted by the Government and was defeated by the House [10] Some others like Seth Govind Das and Venkataraman assumed that the identification of the backward classes would be within the purview of the State Governments who may be trusted to do their job well

Perusal of the debates shows that whatever may be the criteria for the classification of the backward classes and by whomsoever they are to be designated as such, they were to be a list of castes or communities Ambedkar, the then Law

4 Id. at 8929
5 Id at 9830
6 Id at 9719
7 Id at 9817
8 Id at 9823
9 Id. at 9824
10. Id. at 9832-33

Minister, frankly observed that the amendment was required because "what are called backward classes are nothing else but a collection of certain castes".[11] Members felt that the provision should not allow communal quotas to be enjoyed by more advanced groups. Though economic backwardness of the groups who deserved preferences was emphasised, it was just not the poor alone that the government and the speakers had in mind. Nehru in fact observed that

> We have to deal with the situation where for a variety of causes for which the present generation is not to blame, the past has the responsibility, there are groups, classes, individuals, communities who are backward. They are backward in many ways—economically, socially, educationally—sometimes they are not backward in one of these respects and yet backward in another. The fact is therefore that if we wish to encourage them in regard to these matters, we had to do something special for them.[12]

Though he did not refer about caste as such, it seems to be clear that what was needed were not measures to wipe out all inequalities but those specifically associated with the social structure.

> We want to put an end to all those infinite divisions that have grown up in our social life we may call them by any name you like, the caste system or religious divisions etc. there are of course economic divisions but we realize them and we try to deal with them But in the structure that has grown up with its vast number of fissures or divisions.[13]

K. T. Shah, who strongly felt that the backwardness to be remedied was economic, proposed to do away with the word "classes" and to add "economically" to qualify the term "backward classes".[14] Nehru, however, was not willing to accept any of the amendments, though he had no objection to adding "economically" but to do so would make it different from the language used in article 340. He observed partinently

> But if I added "economically" I would at the same time not make it kind of a cumulative thing but would say that a person who is lacking in any of these things should be helped. "Socially" is a much wider word including many things and certainly including economically.[15]

The predominant feeling of the House was that special measures were required to remedy special inequalities of caste and community which tended to accentuate economic disparity among the groups.

Conclusion

The debates show that the description of the backward classes in clause 4 of article 15 should be similar to that in clause 1 of article 340. This was the reason that the word "economically" did not find a place in clause 4 of article 15 though several members pointed out that in the identification of socially and educationally backward classes, economic backwardness could not be ignored.

On the whole it was not clear whether "caste" was to be the sole criterion for determining "backwardness" though it may be pertinent to refer to the views of Nehru and Ambedkar. Nehru expressed the view that all the inequalities associated with the social structure have to be done away with and it appears that "social structure" meant the caste divisions or religious divisions (and not so much economic divisions). Ambedkar was more specific on the point when he said "what are called backward classes are nothing else but a collection of certain castes".

The listing of backward classes by the President on the recommendations of the Backward Classes Commission was not intended to be final. The state governments were also to identify backward classes.

11. Id. at 90006.
12. Id. at 9616.
13. Id.
14. Id. at 8121.
15. Id. at 9830.

Part II
Summary of Cases Under Article 15(4)

State of A.P. v P Sagar

A.I.R. 1968 S.C. 1379

Facts

The case come on appeal to the Supreme Court from the decision of the Andhra Pradesh High Court in Sagar v. State of A.P. (A.I.R. 1968 A.P. 165) invalidating the Andhra Government's notification of June, 1966 as modified by an Order of July, 1966 for the Telangana Region and by an order of August, 1966 for the Andhra Region, reserving seats for backward classes in Medical institutions on the ground that the list was made solely on the basis of caste.

Issues

(1) Whether the list of backward classes based solely on caste is legal?

Extracts

Shah J.

6 In the context in which it occurs the expression "class" means a homogenous section of the people grouped together because of certain likenesses or common traits and who are identifiable by some common attributes such as status, rank, occupation, residence in a locality, race, religion and the like. In determining whether a particular section forms a class, caste cannot be excluded altogether. But in the determination of a class a test solely based upon the caste or community cannot also be accepted. By Clause (1), Article 15 prohibits the State from discriminating against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. By Clause (3) of Article 15 the State is, notwithstanding the provision contained in Clause (1), permitted to make special provision for women and children. By Clause (4) a special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes is outside the purview of Clause (1) But Clause (4) is exception to Clause (1) Being an exception, it cannot be extended so as in effect to destroy the guarantee of Clause (1) The Parliament has by enacting Clause (4) attempted to balance as against the right of equality of citizens the special necessities of the weaker sections of the people by allowing a provision to be made for their advancement In order that the effect may be given to Clause (4) it must appear that the beneficiaries of the special provisions are classes which are backward socially and educationally and they are other than the Scheduled Castes and Scheduled Tribes, and that the provision made is for their advancement. Reservation may be adopted to advance the interests of weaker sections of society but in doing so, care must be taken to see that deserving and qualified candidates are not excluded from admission to higher education institutions The criterion for determining the backwardness must not be based solely on religion, race, caste, sex or place of birth, and the backwardness being social and educational must be similar to the backwardness from which the Scheduled Castes and the Scheduled Tribes suffer. These are the principles with which have been enunciated in the decision of this Court in M. R Balaji's case

7 The list dated June 21, 1963, of castes prepared by the Andhra Pradesh Government to determine backward classes for the purpose of Article 15(4) was declared invalid by the High Court of Andhra Pradesh in *P Sukhadev's* case 1966-1 Andh WR 294 A first list was published under the amended rules with some modifications, but the basic scheme of the list was apparently *not* altered. It is true that the affidavits filed by the Chief Secretary in the High Court and the Director of Social Welfare that he considered the representations made to him, consulted the Law Secretary and certain publications relating to the study of backward classes, *e g* Thurston's "Caste and Tribes" and Sirajul Hasan's "Caste and Tribes", and made his recommendations which were modified by the Sub-Committee appointed by the Council of Ministers and ultimately the Council of Ministers prepared a final list of backward classes. But before the High Court the materials which the Cabinet Sub-Committee or the Council of Ministers considered were not placed nor was any evidence led about the criteria adopted by them for the purpose of determining the backward classes. The High Court observed ;

"A perusal of this affidavit (Chief Secretary affidavit) as well as that of the Director of Social Welfare .. which are filed on behalf of the Government do not say what was the *material placed before the Cabinet Sub-*Committee or the Council of Ministers, from which we could conclude that the criteria laid down by their Lordships of the Supreme Court have been applied in preparing the list of backward classes". After referring to the opinion of the Law Secretary and the views of the Director of Social Welfare they observed :

". . . we are not able to ascertain whether any material, and if so, what material *was placed before the Cabinet Sub-Committee, up* to which the list of backward classes was drawn On the other hand, it is stated that the Law Secretary and the Director of Social Welfare set together and drew up a list, the former specifying the legal requirements and the latter as an expert advising on the social and educational backwardness of class or classes"

It was urged before the High Court that expert knowledge of the Director of Social Welfare and of the Law Secretary was brought to bear upon the consideration of the relevant materials in the preparation of the list and they were satisfied that the correct tests were applied in the determination of backward classes and on *that account the list* should be accepted by the High Court The High Court in dealing with the argument observed

" the impugned backward classes list cannot be and has not been sustained by the Government as coming within the exception provided in Article 15(4) on any material placed before this Court. In fact there is a total absence of any material, from which we can say that the Government applied the criteria enunciated by their *Lordships of the Supreme Court in* the above referred cases, in preparing the list of backward classes We cannot accept the contention of the learned Advocate-General that "once there is proof that the Government *bona fide* considered the matter it is sufficient". Acceptance of this argument would make for arbitrariness, *absolving* the party on whom the burden of proof to bring it within the exception rests, from proving it. The mere fact that the act is *bona fide* and that there was total absence of *mala fides,* is not relevant".

8. Article 15 guarantees by the first clause a fundamental right of far reaching importance to the public generally. Within certain defined limits an exception has been engrafted upon the guarantee of the freedom in clause (1), but being in the nature of an exception, the conditions which *justify departure must be strictly shown to exist.* When a dispute is raised before a Court that a particular law which is inconsistent with the guarantee against discrimination is valid on the plea that it is permitted under Clause (4) of Article 15, the assertion by the State that the officers of the State had taken into consideration the criteria which has been adopted by the Courts for determining who the socially and educationally backward classes of the Society are, or that the authorities had acted in good faith in determining the socially and educationally backward classes of citizens, would not be sufficient to sustain the validity of the claim The Courts of the country are invested with the power to determine the validity of the law which infringes the fundamental rights of citizens and others and when a question arises whether a law which *prima facie* infringes a guaranteed fundamental right is within an exception the validity of that law has to be determined by the Courts on materials placed before them By merely asserting that law was made after full consideration of the relevant evidence and criteria which have a bearing thereon, and was within the exception, the jurisdiction of the Courts to determine whether by making the law is a fundamental right has been infringed is not excluded

9 The High Court has repeatedly observed in the course of their judgement that no materials at all were placed on the record to enable them to decide whether the criteria laid down by this Court for determining that the list prepared by the Government conformed to the requirements of Clause 2(4) of Article 15 were followed On behalf of the State it was merely asserted that an enquiry was in fact made with the aid of expert officers and the Law Secretary and the question was examined *from all points of view* by the officers of the State, by the Cabinet Sub-Committee and by the Cabinet But whether in that examination the correct criteria were applied is not a matter on which any assumption could be made especially when the list prepard is *ex-facie* based on castes or communities and is substantially the list which was struck down by the High Court in *P Sukhadev's* case 1966-1 Andh W. R. 294 Honesty of purpose of those who prepared and published the list was not and

is not challenged but the validity of a law which apparently infringes the fundamental rights of citizens cannot be upheld merely because the law maker was satisfied that what he did was right or that he believes that he acted in manner consistent with the constitutional guarantees of the citizen The test of the validity of a law alleged to infringe the fundamental rights of a citizen or any act done in execution of that law lies not in the belief of the maker of the law or of the person executing the law, but in the demonstration by evidence and argument before the Courts that the guaranteed right is not infringed.

Holding

As the State did not place adequate materials before the Court to prove that the list of backward classes was not prepared solely on caste basis but after full consideration of relevant factors, the Court invalidated the Andhra Government notification

Janardhan Subbaraya v *Mysore State*

AIR 1963 SC 702

This case made clear that the judgement of the Supreme Court in *Balaji* case did not affect the validity of the reservation made in favour of the Scheduled Castes and Scheduled Tribes The said reservation (15% for S Cs and 3% for S Ts) continued to be operative The orders of 1962 of the Mysore Government had been quashed solely with reference to the reservation made in respect of the socially and educationally backward classes

M. R Balaji v State of Mysore

A.I.R 1963 S C 649

Facts

Since 1958 the State of Karnataka (then Mysore) had been attempting to make special provisions for the advancement of its socially and educationally backward classes of citizens under article 15(4) and whenever any order was passed its validity was challenged in writ proceedings in the High Court which quashed them The petitions in the instant case were filed under article 32 to challenge the validity of the last order passed by the State in 1962 This final order was preceded by an order of 1961 The 1961 order was passed in the light of an expert committee set up by the State Government, called the Nagan Gowda Committee which had investigated the problem of identifying criteria for classifying backward classes in the State The Committee had decided that in the present circumstances, the only practicable method of classifying the backward classes in the State is on the basis on *caste* and communities and that they should be sub-divided into two categories—Backward and the More Backward The 1962 order was substantially based on the conditions of this Committee The upshot of that order was that it had fixed 50% as the quota for the other backward classes (minus Scheduled Castes and the Scheduled Tribes) 28% out of that was reserved for Backward Classes so called and 22% for More Backward Classes The reservation of 15% for Scheduled Castes and 3% for Scheduled Tribes was fixed. As a result, 68% of the seats available for admission to the Engineering, medical and other technical colleges was reserved for the backward classes and 32% was only available for the merit pool Hence the order was challenged on the basis that the social backwardness of the communities to whom the impugned order applied had been determined in a manner not permissible under article 15(4)

Issues

(i) What are the criteria for identifying the social and educational backwardness?

(ii) What is the role of "caste" in determining social backwardness?

(iii) Is the sub-classification of backward classes into categories valid?

(iv) Is the quantum of reservations excessive?

Extracts

Gajendragadkar J—In considering the scope and extent of the expression "backward classes" under Article 15(4), it is necessary to remember *that the concept of backwardness is not intended* to be relative in the sense that any classes who are backward in relation to the most advanced classes of the society should be included in it If such relative tests were to be applied by reason of the most advanced classes, there would be several layers or strata of backward classes and each one of them may claim to be included under Article 15(4) This position is not disputed before us by the learned Advocate-General for the State. The backwardness under Article 15(4) must be social and educational It is not either social or educational, but it is both social and educational, and that takes us to the question as to how social and educational, backwardness has to be determined

Let us take the question of social backwardness first. By what test should it be decided whether a particular class is socially backward or not ? The group of citizens to whom Article 15(4), applies are described as 'classes of citizens' not as *castes of citizens* A class, according to the dictionary meaning, shows divisions of society according to status, rank or caste In the Hindu social structure, caste unfortunately plays an important part in determining the status of the citizen Though according to sociologists and vedic scholars, the caste system may have originally begun on occupational or functional basis, in course of time, it became rigid and inflexible The history of the growth of caste system shows that its original functional and occupational basis was later overbounded with considerations of purity of based on ritual concepts, and that led to its ramifications which introduced inflexibility and rigidity This artificial growth inevitably tended to create a feeding of superiority and inferiority, and to foster narrow caste loyalties Therefore, in

dealing with the question as to whether any class of citizens is socially backward or not, it may not be irrelevant to consider the caste of the said group of citizens In this connection it is, however, necessary to bear in mind that the special provision is contemplated for classes of citizens and not for individual citizens as such, and so, though the caste of the group of citizens may be relevant, its importance should not be exaggerated Is the classification of backward classes of citizens was based solely on the caste of the citizen, it may not always be logical and may perhaps contain the vice of perpetuating the castes themselves

Besides, if the caste of the group of citizens was made the sole basis for determining the social backwardness of the said group, that test would inevitably break-down in relation to many sections of Indian society which do not recognise caste in the conventional sense known to Hindu society How is one going to decide whether Muslims, Christians or Jains, or even Lingayats are socially backward or not? The test of castes would be inapplicable to those groups, but that would hardly justify the exclusion of these groups in to from the operation of Article 15(4) It is not unlikely that in some States some Muslims or Christians or Jains forming groups may be socially backward That is why we think though castes in relation to Hindus may be a relevant factor to consider in determining the social backwardness of groups or classes of citizens it cannot be made the sole or the dominant test in that behalf Social backwardness is one the ultimate analysis the result of poverty to a very large extent The classes of citizens who are deplorably poor automatically become socially backward They do not enjoy a status in society and have, therefore, to be content to take a backward seat It is true that social backwardness which results from poverty is likely to be aggravated by considerations of caste to which the poor citizens may belong but that only shows the relevance of both caste and poverty in determining the backwardness of citizens

The occupations of citizens may also contribute to make classes of citizens socially backward There are some occupations which are treated as inferior according to the conventional beliefs and classes of citizens who follow these occupations are apt to become socially backward The place of habitation also plays not a minor part in determining the backwardness of a community of persons In a sense, the problem of social backwardness is the problem of Rural India in that behalf, classes of citizens occupying a socially backward position in rural areas fall within the purview of Article 15(4) The problem of determining who are socially backward classes in undoubtedly very complex Socialogical, Social and economic consideration came into play in solving the problem and on evolving proper criteria for determining which classes are socially backward is obviously a very difficult task it will need an elaborate investigation and collection of data and examining the said data in a rational and scientific way That is the function of the State which purports to act under Article 15(4) All that this Court called upon to do in dealing with the present petitions is to decide whether the tests applied by the impugned order are valid under Article 15(4) If it appears that the test applied by the order in that behalf is improper and invalid, then the classification of socially backward classes based on that test will have to be held to be inconsistent with the requirements of Article 15(4)

What then is the test applied by the State in passing the impugned order? We have already seen that the Nagan Gowda Committee appointed by the State was inclined to treat the caste as almost the sole basis in determining the question about the social backwardness of any community The committee has no doubt incidentally referred to the general economic condition of the community as a contributory factor but the manner in which it has enumerated the backward and more backward classes leaves no room for doubt that the predominant, if not the sole, test that weighed in their minds was the test of caste When they consider the impugned order itself, the position becomes absolutely clear The impugned order has adopted the earlier order of 10th July, 1961, with some changes as to the quantum of reservation, and so, it is necessary to examine the earlier order in order to see what test was applied by the State in classifying the backward classes In its preamble the order of 10-7-1961 clearly and unambiguously states that the Committee had come to the conclusion that in the present circumstances the only practicable method of classifying the backward Classes in the State is on the basis of castes and communities and the State Government accepts this test In other words, on the order as it stands there can be no room for doubt that the classification of backward and more backward classes was made by the State Government only on the basis of their castes which basis was regarded as a practicable method. It is true that in

support of the inclusion of the Lingayata amongst the Backward Classes the order refers to some other factors, but neither the Report of the Nagan Gowda Committee, nor the orders passed by the State Government on July 10, 1961 and July 31, 1962 afford any indication as to how any test other than of the caste was applied in deciding the question The learned Advocate-General has contended that the statement in the preamble of the order of July 10, 1961 should not be literally construed and he has argued that the words in the relevant portion are inartistic and he has suggested that the order is not based on the sole basis of castes We are not impressed by this argument We have considered both the orders in the Right of the Report and the recommendations made by the Nagan Gowda Committee and we are satisfied that the classification of the socially backward classes of citizens made by the State proceeds on the consideration only of their castes without regard to the other factors which are undoubtedly relevant If that be so, the social backwardness of the communities to whom the impugned order applies has been determined in a manner which is not permissible under Article 15(4) and that itself would introduce an infirmity which is fatal to the validity of the said classification

The next question to consider is in regard to the educational backwardness of the classes of citizens The Nagan Gowda Report and the impugned order proceed to deal with this question on the basis of the average of student population in the last three High School classes of all High Schools in the State in relation to a thousand citizens of that community On the figures supplied to the Committee which admittedly are approximate and not fully accurate, the Committee came to the conclusion that the State average of student population in the last three High School classes of all High School in the State was 6 9 per thousand The Committee decided that all castes whose was less than the State average of 6 9 per thousand should be regarded as backward communities and it further held that if the average of any community was less than 50% of the State average, it should be regarded as constituting the more backward classes It may be conceded that in determining the educational backwardness of a class of citizens, the literacy test supplied by the Census Reports may not be adequate, but if is doubtful if the test of the average of student population in the last three High School classes is appropriate in determining the educational backwardness Having regard to the fact that the test is intended to determine who are educationally backward classes, it may not be necessary or proper to put the test as high as has been done by the Committee But even assuming that the test applied is rational and permissible under Article 15(4), the question still remains as to whether it would be legitimate to treat castes or communities which are just below the State average as educationally backward classes, if the State average is 6 9 per thousand, a community which satisfied the said test of is just below the said test cannot be regarded as backward It is only communities which are well below the State average that can properly be regarded as educationally backward classes of citizens Classes of citizens whose average of student population works below 50% of the State average are obviously educationally backward classes of citizens Therefore, in our opinion the State was not justified in including in the list of Backward Classes, castes, castes or communities whose average of student population per thousand was slightly above, or very near, or just below the State average

It will be recalled that the Nagan Gowda Committee had recommended that the Lingayats should not be treated as Backward Classes The State had decided otherwise, and in doing so, the State had taken the view that the figures arrived at by nearest integer as, in the nature of things, says the order of July, 1980, it is not possible to attain absolute mathematical precision in making such assessments That is how the State average was raised from 6 9 to 7 per thousand Even after increasing the State average to 7 the position with regard to Lingayat community was that its averaged of students population was 7 1 per thousand according to the Committee's conclusion and according to the decision of the State 7, and yet the Lingayats as a community have been held to be an educationally backward class of citizens under the State order This result has been achieved by adding, 1 to the state average and deducting 1 from the Lingayat's average The Ganigas whose average of students population 7 per thousand are likewise included in the list of backward classes If the State average is 6 9 or 7 it would, we think, be manifestly erroneous to regard those communities as educationally backward whose students population ratio works at the same level as the state average

In regard to the Muslims, the majority view in the Committee was that the Muslim community as a whole should be treated as socially backward. This conclusion is stated merely as a conclusion

and no data or reasons are cited in support of it The average of student population in respect of this community works at 5 per thousand and that in our opinion, is not so below, the State average that the community could be treated as educationally backward in the State of Mysore Therefore, we are not satisfied that the State was justified in making the view that communities or castes whose average of student population was the same as, or just below, the State average, should be treated as educationally backward classes of citizens If the test has to be applied by a reference to the State average of student population, the legitimate view to take would be that the classes of citizens whose average is well or substantially below the state average can be treated as educationally backward On this point again, we do not propose to lay down any hard and fast rules, it is for the State to consider the matter and decide it in a manner which is consistent with the requirements of Article 15(4)

In this connection, it is necessary to add that the sub-Classification made by the order between Backward Classes and More Backward Classes does not appear to be justified under Article 15(4) Article 15(4) authorises special provision being made for the really backward classes In introducing two categories of Backward Classes what the impugned order, in substance purports to do is to devise measures for the benefit of all the classes of citizens who are less advanced compared to the most advanced classes in the State, and that, in our opinion, is not the scope of Article 15(4) The result of the method adopted by the impugned order is that nearly 60% of the population of the state is treated as backward, and that illustrate how the order in fact divides the population of the State into most advanced and the rest, and puts the latter into two categories of Backward and More Backward The classification of the two categories therefore, is not warranted by Article 15(4)

Holding

(i) Castes poverty, occupations, place of habitation were some relevant factors for determining social backwardness As regards educational backwardness the court said that it was doubtful if the test of the average of student population in last three High School classes was appropriate Further the court said that assuming the test were valid, and the state average was 6 9 per thousand, a community which satisfied the said test could not be regarded as backward. It must be substantially below the state average

(ii) "Caste" though relevant in the Indian Society could not be made the sole or dominant test to determine social backwardness This would perpetuate the vice of caste system in the society

(iii) Sub-classification of the backwardness into backward and more backward was not constitutionally permissible

(iv) The total reservation of 68% for Scheduled Castes, Scheduled Tribes and backward classes was held to be excessive

State of U.P v Pradip Tandon

A.I.R 1975 S.C. 563

Facts

Facts were the same as in *Subash Chandra's* case. This case came on appeal from that decision to the Supreme Court.

Issue

Whether the Government of U.P. order incorporating the instructions which made reservations in favour of candidates from Rural areas, Hill areas and Uttrakhand was constitutionally valid?

Extracts

A N Ray, C J—The express "socially and educationally backward classes" in Article 15(4) was explained in Balaji's case 1963 Supp 1 SCR 439 — 1963 SC(649) (Supra) to be comparable to Scheduled Castes and Scheduled Tribes illustrated social and educational backwardness It is difficult to define the expression "socially and educationally backward classes of citizens" The traditional unchanging occupations of citizens may contribute to social and educational backwardness. The place of habitation and its environment is also a determining factor in judging the social and educational backwardness.

The expression "classes of citizens" indicates a homogeneous section of the people who are grouped together because of certain likeliness and common traits and who are identifiable by some common attributes. The homogeneity of the class of citizens is social and educational backwardness. Neither caste nor religion nor place of birth will be the uniform element of common attributes to make them a class of citizens.

The traits of social backwardness are these There is no social structure There is no social hierarchy There are no means of controlling the environment through technology There is no organisation of the society to create inducements for uplift of the people and improvement of economy Building of towns and industries, growth of cash economy which are responsible for greater wealth are absent among such social growth and well being can be satisfied by massive change in resource conditions High lands and hills are to be developed in fiscal values and natural resources Nature is a treasury Forests, mountains, rivers, can yield and advanced society with the aid of education and technology

The hill and Uttrakhand areas, in Uttar Pradesh are instances of socially and educationally backward classes of citizens for these reasons Backwardness is judged by economic basis that each region has its own measurable possibilities for the maintenance of human numbers, standards of living and fixed property From an economic point of view the class of citizens are backward when they do not make effective use of resources When large areas of land maintain a sparse, disorderly and illiterate population whose property is small and negligible the element of social backwardness is observed When effective territorial specification is not possible in the absence of means of communication and technical processes as in the hill and Uttrakhand areas the people are socially backward classes of citizens Neglected opportunities and people in remote places raise walls of social backwardness of people

Educational backwardness is ascertained with reference to these factors Where people have traditional apathy for education on account of social and environmental conditions or occupational handicaps, it is an illustration of educational backwardness The hill and Uttrakhand areas are inaccessible There is lack of educational institutions and educational aids People in the hill and Uttrakhand areas illustrate the educationally backward classes of citizens because lack of educational facilities keep them stagnant and they have neither meaning and values nor awareness for education

The 1971 Census showed population in India to be 54 79 crores 43 89 crores or 80 1 per cent live in rural areas 10 91 crores or 19 9 per cent live in cities and towns In 1921 the rural population in India was 88 8 per cent In 1971 the rural population was reduced to 80 1 per cent The rural population of Uttar Pradesh in 1971 was roughly seven and a half crores The population in Uttrakhand was roughly seven and a half lakhs The population of Hill areas in Uttar Pradesh was

near about twenty five lakhs. It is incomprehensible as to how 80 1 per cent of the people in rural areas or 7 crores in rural parts of Uttar Pradesh can be suggested to be socially backward because of poverty Further, it is also not possible to predicate poverty as the common trait, of rural people This Court in J P Parimoo v State of Jammu and Kahmir (1973) SCR 236= (AIR 1973 SC 930= 1973 Lab IC 565) said that if poverty is the exclusive test a large population in our country would be socially and educationally backward classes of citizens Poverty is evident everywhere and perhaps more so in educationally advanced and socially affluent classes A division between the population of our country on the ground of poverty, that the people in the urban areas are not poor and that the people in the rural areas are poor is neither supported by facts nor by a division between the urban people on the one hand and the rural people are socially and educationally backward class

Some people in the rural areas may be educationally backward, some may be socially backward, there may be a few who are both socially and educationally backward citizens residing in rural areas are socially and educationally backward

80 per cent of the population, in the state of Uttar Pradesh in rural areas cannot be said to be a homogenous class by itself They are not of the same kind Their occupation is different Their lives are different Population cannot be a class by itself Rural element does not make it a class To suggest that the rural areas are socially and educationally backward is to have reservation for the majority of the State

The reservation for rural areas cannot be sustained on the ground that the rural areas represent socially and educationally backward classes of citizens This reservation appears to be made for the majority population of the State 80 per cent of the population of the State cannot be a homogeneous class Poverty in rural areas cannot be the basis of classification to support reservation for rural areas Poverty is found in all parts of India In the instructions for reservation of seats it is provided that in the application form a candidate for reserved seats from rural areas must submit a certificate of the District Magistrate of the District to which he belonged that he was born in rural areas and had a permanent home there and is residing there or that he was born in India and his parents and guardians are still living there and earn their livelihood there The incident of birth in rural areas is not the basic qualification No reservation can be made on the basis of place of birth, as this would offend Article 15

The onus of proof is on the State to establish that the reservations are for socially and educationally backward classes of citizens The State has established that the people in hill and Uttrakhand areas are socially and educationally backward classes of citizens

Holding

(i) Reservations in favour of candidates from Hill Areas and Uttrakhand were held to be valid

(ii) Reservations in favour of Rural Areas were held not valid

State of A.P. v. S. V. Balaram

AIR 1972 SC. 1375

Facts

On June 20, 1970 the Backward Classes Commission appointed by the State of Andhra Pradesh a couple of years back, made its report regarding the various categories of persons who are to be treated as belonging to Backward Classes and recommended reservation of 30% of seats to persons belonging to the Backward Classes The Commission had adopted the following criteria for identifying social and educational backwardness—

(i) general poverty of the class or community as a whole,

(ii) occupations the nature of which must be inferior, unclean, undignified and unremunerative or one which does not carry influence or power;

(iii) caste in relation to Hindus,

(iv) educational backwardness

The State by G O No 1793/Education, dated September 23, 1970 announced reservation of 25% of the seats in the M B B S Course for candidates belonging to the various Backward Classes enumerated therein on the basis of the report of the Backward Classes Commission The reservation for Scheduled Castes and Scheduled Tribes was 14% and 4% respectively

The enunciation of backward classes by the State Commission and the subsequent order of Government reserving 25% of seats were challenged in the High Court which held that they were violation of Articles 15(1) and 29(2) and were not saved by Article 15(4) The rationale was that "caste" was taken as the basis of the listing of backward classes by the Commission

On appeal the matter come to the Supreme Court.

Issues

(i) Whether "caste" above could be taken as the basis for the enumeration of backward classes ?

(ii) Whether the quantum of reservation was excessive ?

Extracts

Vadialingam J

68 The Government also accepted the list drawn up by the Commission *in toto* and declared that the castes and communities specified in the annexure to the G O are socially and educationally Backward Classes for the purpose of Art 15(4) of the Constitution Though the Commission had recommended reservation of 30% of seats for the Backward Classes in the professional Colleges, the Government in the order decided that only 25% of seats in the professional Colleges should be reserved for Backward Classes The Government also agreed to the recommendations of the Commission to the classification of the Backward Classes into four groups and directed that on the basis of the population of those four groups, the 25% reservation of seats in the professional Colleges was to be apportioned amongst the said four groups in the proportion mentioned in the Government order The Government made it clear that the acceptance of the recommendations of the Commission regarding reservations shall be in force for a period of 10 years in the first instance and the position will be reviewed thereafter

69 We have referred to the circumstances leading upto the passing of the impugned G O No 1793 of 1970 In order to appreciate the criticism made by the High Court regarding the approach made by the Commission, it is necessary to refer to the salient features of the report of the Backward Classes Commission The report of the Backward Classes Commission is Annexure B before us As soon as the Commission was appointed, the Commission issued a questionnaire and circulated it very widely to the various authorities and organisations mentioned in its report The questionnaire refers to various matters regarding the criteria to be adopted for ascertaining the backwardness of persons as well as the information on matters relating to the social and educational backwardness of the persons Apart from the distribution of the questionnaire, the Commission called for information from the Heads of all Government Departments regarding the number of persons belonging to each class or community employed in their

Departments Information was also asked from the principals of colleges, including the professional and technical colleges regarding the number of students belonging to each class or community of the academic year 1967-68 Similarly, the Head Masters of all the High Schools and Multipurpose High Schools in the State were also requested to furnish information regarding the total number of students belonging to each community who studied in those schools during the last 10 years as well as the number of students classwise and communitywise who studied in classes VI to XI in 1968-69

70 The Commission toured all the Districts in the States and recorded oral evidence on oath from the representatives of a number of communities During the tour of the Districts, the Commission visited the houses and huts belonging to different communities of the people and also made oral enquiries from the inmates about their conditions of living, their customs, relations with other communities and their problems The names of places visited by the Commission together with the dates of such visits are given in Appendix IV of its Report The Commission together with the dates of such visits are given in Appendix IV of its Report The Commission also visited the neighbouring States of Madras, Mysore and Kerala with a view to have discussion with the officers of those Governments, which were connected with the welfare of Backward Classes The report says that about 820 persons were examined at various places and that about 480 persons submitted written memoranda A large number of replies were received from the public to the questionnaire issued by the Commission The Commission has stated that it had an opportunity, during its tour and visit of the villages, of studying the living conditions and standard of life of the various communities The Commission has, no doubt, referred to the fact that upto date statistical information with regard to population of the several communities as well as the percentage of literacy was not available The difficulty was enhanced by the fact that no castewise statistics had been collected after 1931 census So far as Andhra area is concerned, the figures of 1921 census were available, as it had been prepared on castewise basis Regarding Telangana area, the 1931 census of castewise statistics was available It had to estimate the 1968 population in the two areas on the basis of the respective census data available. The population figures for 1968 for each caste was fixed by the Commission by the percentage of the increase of the total population The estimate so made by the Commission is given in Appendix V of the report

71 Regarding literacy, the Commission adopted the percentage of student population per thousand of particular class or community in standards X and XI with reference to the average student population in the whole state The reasons for adopting this procedure have been given in Chapter VI Though information was called for regarding the student population communitywise in standards X and XI from about 2224 High Schools and Higher Secondary Schools in the State, only about 50% of the institutions sent the information regarding the student population communitywise in those two classes The Commission worked out an average on the basis of the replies received from the 50% of the institutions which itself comes to nearly more than 1100 schools It is not necessary to refer to the employment statistics collected by the Commission The Commission itself has indicated the difficult problems it had to tackle

72 Chapter IV and V deal with the constitutional provisions regarding the Backward Classes as well as the general principles laid down by the High Court and this Court for ascertainment of their social and educational backwardness

73 Chapter IV deals with the tests of criteria adopted by the Commission for ascertaining the social and educational backwardness of persons Regarding social backwardness, after a very exhaustive survey of the trade or occupations carried on by the persons concerned and other allied matters, the Commission has indicated that only such persons belonging to a caste or community who have traditionally followed unclean and undignified occupation, can be grouped under the classification of Backward Classes, in this connection the Commission has adverted to the general poverty of the class or community as a whole, the occupation pursued by the class of citizens, the nature of which is considered inferior and unclean, undignified or unremunerative or one which does not carry influence or power and caste in relation to Hindus

74 Regarding educational backwardness, the Commission had adverted to the fact that during the past 10 years, the state has introduced many measures for the general educational advancement of its people by introducing compulsory primary education for children and free education for boys upto VIIIth and for girls upto XIth class It has taken note of the fact that in 1968-69, free education for boys was also extended upto High School stage Having regard to the fact that because

of literacy and educational advancement, passing in the School Final Class (XI Class) is taken as the minimum qualification for appointment in Public Service as also for admission to University and, Technical Education The Commission is of the view that it is proper to take the last two classes, namely, Class X and XI as standard for ascertaining the educational backwardness In this connection it has referred to the Report of the Backward Classes Committee, appointed by the Jammu and Kashmir Government, presided over by Dr P B Gajendragadkar, former Chief Justice of India This Committee has expressed the view that the number of students on the rolls of IX and X classes should be ascertained for determining educational backwardness The reasons given by the said Committee for this view are quoted by the Commission in its report The Commission then has adverted to the fact that the average student population in Classes X and XI in the State works out to be about 4 55 per thousand On this basis, it has proceeded to apply the principle that Communities whose student population in these standards is well below the State average, have to be considered as educationally backward Here again the Commission has referred to the fact that as only 50% of the Schools had furnished figures with reference to the student population, it had to work out an average based on those figures applicable to the entire state Though the figures received from the Schools show that certain groups showed a slightly higher level of education, the Commission felt in the light of their having personally seen their living conditions, the percentage supplied by the Schools may not be accurate In view of this, the Commission has held even those persons as really backward from the educational point of view

75 Chapter VII gives the list of socially and educationally Backward Classes and there is a very exhaustive note attached to each of these groups as to why the Commission regards them as socially and educationally backward In that Chapter the Commission has also exhaustively dealt with the names of the groups, the sub-divisions in those groups, their traditional occupation and various other matters having a bearing on their social, economic and educational set up Appendix VI which enumerates the list of socially and educationally Backward Classes item by item gives a tabular statement containing information about the name of the community, its traditional occupation as well as its population in 1968 Appendix VII contains a note about each of the classes enumerated by the Commission as Backward Classes Appendix VII contains information regarding the principal occupation, approximate family income, percentage of School going students in the particular groups and various other information regarding the persons mentioned in the list A perusal of the Appendix VI and VII shows that the traditional occupations of the persons enumerated as backward were of a very low order such as beggars, washermen, fishermen, watchmen at burial grounds etc The Commission had made certain recommendations regarding reservation in the Government Service and it had also made recommendations regarding other assistance to be given to the Backward Classes In these appeals it is not necessary to refer to those recommendations For the purpose of these appeals it is only necessary to state that the observations made by this Court in Triloki Nath Tiku v State of Jammu and Kashmir, (1967) 2 SCR 265 (AIR 1967 S C 1283)

85 We have been referred to various decisions, particularly of this Court where reservations for Backward Classes made by the concerned State have been either accepted as valid or struck down. But it is not necessary for us to refer to those decisions because each case will have to be considered on its own merits, after finding out the nature of the materials collected by a Commission or by the State when it enumerated certain persons as forming the Backward Classes But one thing is clear that if an entire caste, is as a fact, found to be socially and educationally backward, their inclusion in the list of Backward Classes by their caste name is not violative of Art 15(4)

87 In (1968) 3 SCR 595—(AIR 1968 SC 1397) a similar list prepared by the State of Andhra Pradesh solely on the basis of caste was struck down In Triloki Nath v State of Jammu and Kashmir, (1969) 1 SCR 103 (AIR 1969 SC1) the Constitution Bench of this Court held that the members of an entire caste or community may in the social, economic and educational scale of values, at a given time be backward and may on that account be treated as backward classes, but that is not because they are members of a caste or community but because they form a class Therefore, it is clear that there may be instances of an entire caste or a community being socially and educationally backward for being considered to be given protection under Art. 15(4)

89. The High Court has committed another **error in that it** has proceeded on the basis that **the groups** whose inclusion as backward **classes in the** 1963 and 1966 lists, **prepared by the State, which** were struck down by **the High** Court, have again

been included in the present list by the Commission The High Court has missed the fundamental fact that those two lists were struck down by the High Court on the ground that the State had made no investigation whatsoever, nor had the State collected the relevant materials before classifying the groups as Backward Classes It was on that ground that those lists were struck down by the High Court In fact this Court also affirmed the latter decision of the Andhra Pradesh High Court striking down the 1966 list in its decision in (1968) 3 SCR 595—(AIR SC 1379) Though we are not inclined to agree with the decision of the High Court that the enumeration of groups as Backward Classes by the Commission is solely on the basis of caste, we will assume that the High Court is right in that view There are two decisions of this Court where the list prepared of Backward Classes, on the basis of caste has been accepted as valid No doubt, this Court was satisfied on the materials that the classification of caste as Backward Classes was justified

93 The next decision of this Court where a list prepared on the basis of caste, on the ground, that the entire caste was socially and educationally backward was approved as valid under Art 15(4) is one AIR 1971 SC 2303 In this decision unit-wise distribution of seats for the Medical Colleges was struck down by this Court as violative of Arts 14 and 15, nevertheless the list of Backward Classes, which was challenged, as having been framed on the basis exclusively of caste, was held to be valid This Court after referring to the decisions in 1963 Suppl (1) SCR 439—(AIR 1963 SC 649) and (1964) 6 SCR 368—(AIR 1964 SC 1823) held that caste is a relevant factor in ascertaining a class for the purpose of Art 15(4) The decision in (1968) 2 SCR 786—(AIR 1968 SC 1012) was also quoted with approval and the said decision was relied on as an authority for the proposition that the classification of Backward Classes on the basis of caste is within the purview of Art 15(4), if those castes are shown to be socially and educationally backward After a perusal of the list of Backward Classes, which was under challenge, this Court held that though the list has been framed on the basis of caste, it does not suffer from any infirmity because the entire caste was substantially socially and educationally backward On this basis the list of Backward Classes was held to be valid. It may be mentioned that the list which was under challenge was more or less substantially the same as this Court held to be valid in (1968) 2 SCR 786—(AIR 1968 SC 1012)

94 At this stage it may be recalled that the State of Andhra Pradesh originally formed part of the Composite State of Madras We sent for the paper book in Writ petition No 285 of 1970, the decision of which is reported in (1968) 2 SCR 786—(AIR 1968 SC 1012) On a comparison of the list, which was under challenge in the said decision, but accepted as correct by this Court, with the list which is under attack before us, we find that most of the groups whose inclusion in the list by the State of Madras was held to be valid are also found in the list prepared by the Backward Classes Commission appointed by the Andhra Pradesh State

95 To conclude, though *prima facie* the list of Backward Classes which is under attack before us may be considered to be on the basis of caste, a closer examination will clearly show that it is only a description of the group following the particular occupation or professions, exhaustively referred to by the Commission Even on the assumption that the list is based exclusively on caste, it is clear from the materials before the Commission and the reasons given by it in its report that the entire caste is socially and educaionally backward and therefore their inclusion in the list of Backward classes is warranted by Art 15(4) The groups mentioned therein have been included in the list of Backward classes as they satisfy the various tests which have been laid down by this Court for ascertaining the social and educational backwardness of a class

96 The Commission has given very good reasons as to why it had to take into account the population figures based upon the 1921 and 1931 censuses It was also justified in taking the average student population of classes X and XI, especially as the said procedure has been accepted by the Committee appointed by the Jammu and Kashmir Government, presided by Dr P B Gajendragadkar, former Chief Justice of India That Committee took into account IX and X standards average The decided cases have laid down the principles for ascertaining the social and educational backwardness of a class The Backward Classes Commission in this case has taken considerable pains in collecting data regarding the various aspects before including a particular group as Backward Class in the list

97 There is a criticism levelled that the Commission has used its personal knowledge for the purpose of characterising a particular group as backward That, in the circumstances of the

case, is inevitable and there is nothing improper or illegal The very object of the Commission in touring the various areas and visiting the huts and habitations of people is to find out their actual living conditions After all that information has been gathered by the Commission not secretly but openly In fact the actual living conditions or habitation can be very satisfactorily judged and found out only on a personal visit to thereas which will give a more accurate picture of their living conditions and their surroundings If the personal impressions gathered by the members of the Commission have also been utilised to augment the various other materials gathered as a result of detailed investigation, it cannot be said that the report of the Commission suffers from any vice merely on the ground that they imported personal knowledge In our opinion, the High Court has not been fair to the Commission when it says that whenever the Commission found the figures obtained in respect of certain groups as relating to their educational standard being higher that the State average, it adopted an ingenious method of getting over that obstacle by importing personal knowledge In fact, the Commission has categorically stated that the information received from the various schools showed that the percentage of education was slightly higher than the State average in respect of certain small groups, but in view of the fact that their living conditions were deplorably poor, the slight higher percentage of literacy should not operate to their disadvantage

98 Regarding the criticism that the Commission has divided classes into, more backward and less backward, in our opinion, this is not also well founded one On the other hand, what the Commission has recommended was the distribution of seats amongst the reserved classes in proportion to their population This is not a division of the Backward Classes as more Backward and less Backward as what the case which was dealt with by this Court in 1963 Supp (1) SCR 439—(AIR 1963 SC 649)

100 No doubt our attention was drawn to a decision of the Kerala High Court, which has held that the reservation is irrespective of some of the candidates belonging to the Backward Classes getting admission on their own merit The Andhra Pradesh High Court has taken a slightly different view If a situation arises wherein the candidates belonging to the groups included in the list of Backward Classes, are able to obtain more seats on the basis of their own merit, we can only state that it is the duty of the Government to review the question of further reservation of seats for such groups This has to be emphasised because the Government should not act on the basis that once a class is considered as a backward class it should continue to be backward for all time If once a class appears to have reached a stage of progress, from which it could be safely inferred that no further protection is necessary, the State will do well to review such instances and suitably revise the list of Backward Classes In fact it was noticed by this Court in AIR 1971 SC 2303 that candidates of Backward Classes had secured nearly 50% of seats in the general pool On this ground this Court did not hold that the further reservation made for the Backward Classes is invalid On the other hand it was held

> "The fact that candidates of backward Classes have secured about 50% of the seats in the general pool does show that the time has come for a *de novo* comprehensive examination of the questions It must be remembered that the Government's decision in this regard is open to judicial review"

For the reasons given above, we are of the opinion that the list of Backward Classes, as well as the reservation of 25 per cent of seats in Professional Colleges for the persons mentioned in the said list is valid and it saved by Art 15(4) of the Constitution We are not inclined to agree with the reasons given by the High Court that the said G O offends Art 15(4) of the Constitution

Holding

(i) Though *prima facie* the list of Backward Classes impugned in the case may be considered to be based on *"Caste"* a close perusal would show that it was only a description of the group following particular occupations or professions referred to by the Commission Even assuming that the list was based exclusively on caste, it was clear from the materials before the Commission that the entire caste was socially and educationally backward The groups listed by the Commission answer the various tests evolved by the Court for ascertaining the social and educational backwardness of a class

(ii) The total reservation of 43 per cent was HELD to not excessive It was within the 50 per cent limit laid down in *Balaji*

R Chitralekha v *State of Mysore*

AIR 1964 SC 1823

Facts

The Government of Mysore in its order of July 26, 1963 had defined backward classes and directed that 30 per cent of the seats in professional and technical institutions would be reserved for them. It laid down that the classification should be on the basis of (a) economic condition and (b) occupation or profession Accordingly a family whose income was Rs 1,200 per annum or less and persons or classes who followed occupations of agriculture, petty business, inferior services, crafts or other occupations involving manual labour were defined to be socially and economically backward The order did not take caste into consideration, so it was challenged on that ground

In the Mysore High Court in *D G Vishwanath* v *Government of Mysore* (A I R 1964 Mys 132) involving the validity of the same order Hegde, J held that as the order had altogether ignored "caste" and "residence" basis, it did not benefit the really backward classes among the Hindus The Supreme Court had stated in *Balaji* that caste in relation to Hindus was a relevant factor in determining the social backwardness of groups or classes of citizens

The matter came on appeal to the Supreme Court in the *Chitralekha* case

Issues

(i) What is the relevance of "Caste" in determining social and educational backwardness?

(ii) Is "caste" and "Class" synonymous?

Extracts

Subba Rao, J (for the majority)

15 Two principles stand out prominently from the said observations, namely, (i) the caste of a group of citizens may be a relevant circumstance in ascertaining their social backwardness, and (ii) though it is a relevant factor to determine the social backwardness of a class of citizens, it cannot be the sole or dominant test in that behalf The observations extracted in the judgement of the High Court appear to be in conflict with the observations of this Court While this Court said that caste is only a relevant circumstance and that it cannot be the dominant test in ascertaining the backwardness of a class of citizens, the High Court said that it was an important basis in determining the class of backward Hindus and that the Government should have adopted castes as one of the tests As the said observations made by the High Court may lead to some confusion in the mind of the authority concerned who may be entrusted with the duty of prescribing the rules for ascertaining the backwardness of classes of citizens within the meaning of Art 15(4) of the Constitution, we would hasten to make it clear that caste is only a relevant circumstance in ascertaining the backwardness of a class and there is nothing in the judgement of this court which precludes the authority concerned from determining the social backwardness of a group of citizens if it can do so without reference to caste— While this Court has not excluded caste from ascertaining the backwardness of a class of citizens, it has not made it one of the compelling circumstances affording a basis for the ascertainment of backwardness of a class To put it differently, the authority concerned may take caste into consideration in ascertaining the backwardness of a group of persons but, if it does not, its order will not be bad on that account, if it can ascertain the backwardness of a group of persons on the basis of other relevant criteria

16 The Constitution of India promises justice, social, economic and political and equality of status and of opportunity, among others Under Article 46, one of the Articles in Part IV headed "Directive Principles of State Policy", the state shall promote with special care the educational and economic interest of the weaker sections of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation Under Art 341

> "The President may with respect to any State or Union Territory and where it is a State after consultation with the Governor thereof by public notification specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purpose of this Constitution deemed to be Scheduled Castes in relation to that State or Union Territory, as the case may be"

19. These provisions recognize the factual existence of backward classes in our country brought about by historical reasons and make a sincere attempt to promote the welfare of the weaker sections thereof They shall be so construed as to effectuate the said policy but not to give weightage to progressive sections of our society under the false colour of caste to which they happen to belong The important factor to be noticed in Article 15(4) is that it does not speak of castes, but only speaks of classes If the makers of the Constitution intended to take castes also as units of social and educational backwardness, they would have said so as they have said in the case of the Scheduled Castes and the Scheduled Tribes Though it may be suggested that the wider expression "Classes" is used in Cl (4) of Article 15 as there are communities without castes, if the intention was to equate classes with castes, nothing prevented the makers of the Constitution to use the expression "Backward Classes" or the juxtaposition of the expression "Backward class" and "Scheduled Castes" in Article 15(4) also leads to a reasonable inference that the expression "Classes" is not synonymous with castes It may be that for ascertaining whether a particular citizen or a group of citizens belong to a backward class or not, his or their caste may have some relevance, but it cannot be either the sole or the dominant criterion for ascertaining the class to which he or they belong

20 This interpretation will carry out the intention of the Constitution expressed in the aforesaid Articles It helps the really Backward Classes instead of promoting the interests of individuals or groups who, though belong to particular caste a majority whereof is socially and educationally backward really belong to a class which is socially and educationally advanced To illustrate, take a caste in a State which is numerically the largest therein. It may be that though a majority of the people in that caste are socially and educationally backward, an effective minority may be socially and educationally far more advanced than another small subcaste the total number of which is far less than the said minority If we interpret the expression "classes" as "Castes", the object of the Constitution will be frustrated and the people who do not deserve any adventitious aid may get it to the exclusion of those who really, deserve This anomaly will not arise if, without equating caste with class, caste is taken as only one of the consideration to ascertain whether a person belongs to a backward class or not. On the other hand, if the entire sub-caste, by and large, is backward, it may be included in the Scheduled Castes by following the appropriate procedure laid down by the Constitution

21 We do not intend to lay down any inflexible rule for the Government to follow The laying down of criteria for ascertainment of social and educational backwardness of a class is complex problem depending upon many circumstances which may vary from State to State and even from place in a State But what we intend to emphasize is that under no circumstance a "class" can be equated to a "Caste" though the caste of an individual or a group of individuals may be considered along with other relevant factors in putting him in a particular class We would also like to make it clear that if in a given situation caste is excluded in ascertaining a class within the meaning of Article 15(4) of the Constitution if it satisfied other tests Mudholkar J (Minority opinion on other matters)

43 I do not think it necessary to pronounce any opinion upon that question in this case and would reserve it for a future occasion I would also likewise reserve my opinion on the other points upon which he has expressed himself excepting one, that is, as to the relevance of the consideration of caste in determining the classes which are socially and educationally backward I would only say this that it would not be in accordance either with cl (1) of Art 15 or cl (2) of Art 29 to require the consideration of the castes of persons to be borne in mind for determining what are socially and educationally Backward Classes. It is true that cl (4) of Art 15 contains a *non obstante* clause with the result that power conferred by that clause can be exercised despite the provisions of cl (1) of Art 15 and cl (2) of Art 29 But that does not justify the inference that castes have any relevance in determining what are socially and educationally backward communities As my learned brother has rightly pointed out the Constitution has used in cl (4) the expression "classes" and not "Castes"

Holding

(i) "Caste" is one of the relevant factors in determining social and educational backwardness ,

(ii) "Caste" and "Class" are not synonymous

P Rajendra v State of Madras

A I R. 1968 S.C. 1012

Facts

Rules made by the Government of Madras regulating admission to First Year Integrated M B B S Course were challenged as violative of articles 14 and 15 Rule 15 had provided for reservation of seats for socially and educationally backward classes specified in Appendix, and the Appendix referred only to *castes*

Issues

(i) Can "Caste" be considered as the sole test for determining socially and educationally backward classes ?

(ii) On whom does the onus lie to prove that castes mentioned in the list are not socially and educationally backward ?

Extracts

Wanchoo C J

The first challenge is to R 5 on the ground that it violates Article 15 of the Constitution Article 15 forbids discrimination against any citizen on the ground only of religion, race, caste, sex, place of birth or any of them At the same time article 15(4) *inter alia* permits the State to make any special provision for the advancement of any socially and educationally backward classes of citizens The contention is that the list of socially and educationally backward classes for whom reservation is made under R 5 is nothing but a list of certain castes Therefore, reservation in favour of certain castes based only on caste considerations violates Article 15(1), which prohibits discrimination on the ground of caste only Now if the reservation in question had been based only on caste and had not take into account the social and educational backwardness of the caste in question, it would be violative of Article 15(1) But it must not be forgotten *that a caste is also a class of citizens and if the caste as a whole is socially and educationally backward reservation can be made in favour of such a caste on the ground that* it is socially and educationally backward class of citizens within the meaning of Article 15(4) Reference in this connection may be made to the observations of this Court in M R Balaji v State of Mysore, 1968 S C 649 Supp I S C R 439 at pp 459-460 (A I R 1963 S C 649 at p 659) to the effect that it was not irrelevant to consider the caste of a class of citizens in determining their social and educational backwardness It was further observed that though the caste of a class of citizens may be relevant its importance should not be exagerated, and if classification of backward class of citizens was based solely on the caste of the citizens, it might be open to objection It is true that in the present cases the list of socially and educationally backward classes has been specified by caste But that does not necessarily mean that caste was the sole consideration and that persons belonging to these castes are also not a class of socially and educationally backward citizens In its reply, the State of Madras has given the history as to how this list of backward classes was made, starting from the year 1906 and how the list has been kept up-to-date and necessary amendments made therein It has also been stated that the main criterion for inclusion in the list was the social and educational backwardness of the caste based on occupations pursued by these castes Because the members of the caste as a whole were found to be socially and educationally backward, they were put in the list The matter was finally examined after the Constitution came into force in the light of the provisions contained in Article 15(4) As it was found that the members of these castes as a whole were educationally and socially backward, the list which had been coming on from as far back as 1906 was finally adopted for purposes of Article 15(4) In short the case of the State of Madras is that the castes included in the list are only a compendious indication of the class of people in those castes and these classes of people had been put in the list for the purpose of Article 15(4) because they had been found to be socially and educationally backward

8 This is the position as explained in the affidavit filed on behalf of the State of Madras On the other hand the only thing stated in the petitions is that as the list is based on caste alone it is violative of Article 15(1) In view however of the explanation given by the State of Madras which has not been controverted by and rejoinder, it must be accepted that though the list shows certain castes, the members of those castes are really classes of educationally and socially backward citizens No

attempt was made on behalf of the petitioners/appellant to show that any caste mentioned in this list was not educationally and socially backward No such averment was made in the affidavit in support of their cases, nor was any attempt made to traverse the case put forward on behalf of the State of Madras by filing a rejoinder affidavit to show that even one of the castes included in the list was not educationally and socially backward In this state of the pleadings, we must come to the conclusion that though the list is prepared caste-wise, the castes included therein are as a whole educationally and socially backward and therefore the list is not violative of Article 15. The challenge to R. 5 must therefore fail

Holding

(i) A caste is also a class of citizens and if the caste as a whole is socially and educationally backward reservation can be made in favour of such a caste on the ground that it is socially and educationally backward class of citizens within the meaning of Article 15 (4)

(ii) The Court held that it was on the petitioners who challenged the validity of Rule 5 to show that the castes mentioned in the list were not socially and educationally backward

A Periakaruppan v State of Tamil Nadu

A I R. 1971 S C 2303

Facts

In the State of Tamil Nadu, there were eight Medical Colleges out of which three are located in Madras, one in Madurai, one in Chingleput, one in Coimbatore, one in Thanjavur and one in Tirunelveli. The total seats available in Madras College were 500 The seats available in Madurai, Chingleput, Coimbatore, Thanjavur and Tirunelveli were 200, 50, 100, 200 and 75 respectively In the instant case selections were made unitwise 6 units were created in the State Medical colleges in the city of Madras were constituted as one unit and each of the other medical colleges was constituted as a unit Selection for these units were made by different selection committees A few seats out of the 1125 seats were reserved for certain social categories of students As there was no dispute about them, that reservation was not agitated However, out of the remaining seats 41% were reserved for students coming from socially and educationally backward classes, Scheduled Castes and Scheduled Tribes The rest of them were placed in the general pool

Issues

(i) Whether unitwise selection to Medical Colleges was violation of Article 14 and 15?

(ii) Whether the determination of backward classes on the sole basis of caste was constitutionally permissible?

(iii) Whether 41% reservation of backward classes, Scheduled Castes and Scheduled Tribes was excessive?

Relevant Extracts from the Judgment of Justice Hegde

11 "We shall first take up the plea regarding the division of medical seats on unitwise basis It is admitted that the minimum marks required for being selected in some unit is less than in the other units Hence *prima facie* the scheme in question results in discrimination against some of the applicants. In Rajendran's case (1968) 2 SCR 786 = (AIR SC 1012) (*supra*) this court rules that the districtwise distribution of available seats is violative of Article 15 of the Constitution But it was contended on behalf of the State that the unitwise distribution of seats was adopted for administrative convenience It was said that it was not possible for one selection committee to interview all the applicants Therefore several committees had to be constituted In the past when applicants were interviewed by several committees there were complaints that the standard adopted by one committee differed from that adopted by others and therefore the applicants ability was not tested by a uniform standard Further it was said that when selections were made by several committees there was delay in preparing a consolidated list We are unable to accept these grounds as being real grounds for classification The grievance when selections were made by several Committees in a statewise selections the standard adopted by various committees differed, would continue even when selections are made by several committees in a unitwise selection Whether the selection is made by selection committees on statewise basis or unitwise basis, the standard adopted by various committees is bound to vary Hence in principle it makes no difference

12 Now coming to the question of delay, we see no reason why there should be any delay in preparing a consolidated list At any rate the delay caused is not likely to be such as to justify departure from the principle of selection on the basis of merit on a statewise basis Before a classification can be justified, it must be based on objective criteria and further it must have reasonable nexus with the object intended to be achieved The object intended to be achieved in the present case is to select the best candidates for being admitted to Medical Colleges That object cannot be satisfactorily achieved by the method adopted The complaint of the petitioners is that unitwise distributions sought in 1967-68 has some force though on the material on record we will not be justified in saying that the unitwise distribution was done for collateral purposes Suffice it to say that the unitwise distribution of seats is violative of Articles 14 and 15 of the Constitution The fact that an applicant is free to apply to any one unit does not take the scheme outside the mischief of Articles 14 and 15 It may be remembered that the students were advised as far as possible to apply to the unit nearest to their place of residence

22. There is no basis for the contention that the reservation made for backward classes is excessive We were *not told* why it is excessive Undoubtedly we should not forget that it is against the immediate interest of the Nation to exclude from the portals of our Medical Colleges qualified and competent students but then the immediate advantages of the National have to be harmonised with its long range interests It cannot be denied that unaided many sections of the people in this country cannot compete with the advanced sections of the Nation Advantages secured due to historical reasons should not be considered as fundamental rights Nation's interest will be best served—taking a long range view—if the backward classes are helped to march forward and take their place in the line with the advanced sections of the people That is why in Balaji's case (1963) Supp 1 SCR 439 = (AIR 1963 SC 649) (*supra*) this Court held that the total of reservations for backward classes, Scheduled Castes and Scheduled Tribes should not ordinarily exceed 50% of the available seats In the present case it is 41% On the material before us we are unable to hold that the said reservation is excessive

24. In Chitralekha's case (1964) 6 SCR 368 = (AIR 1964 SC 1823) (*supra*), this Court reiterated that the caste is a relevant circumstance in ascertaining the backwardness of a class Further it was observed therein

> "While this Court has not excluded caste from ascertaining the backwardness of a class of citizens, it has not made it one of the compelling circumstances affording a basis for the ascertainment of backwardness of class To put it differently the authority concerned may take caste into consideration in ascertaining the backwardness of a group of persons, but, if it does not, its order will not be bad on that account, if it can ascertain the backwardness of a group of persons on the basis of other relevant criteria"

26 Caste has always been recognised as a class In construing the expression "classes of His Majesty's subject" found in S-153-A of the Indian Penal Code, Wassoodew J observed in Narayan Vasudev v Emperor AIR 1940 Bom 379

> "In my opinion, the expression "Classes of His Majesty's subjects" in Section 153-A of the Code is used in restrictive sense as denoting a collection of individuals or groups bearing a common and exclusive designation and also possessing common and exclusive characteristics which may be associated with their origin, race or religion, and that the term "class" within that section carries with it the idea of numerical strength so large as could be grouped in a single homogeneous community."

27 In Paragraph 10, Chapter V of the Backward Classes Commission's Report, it is observed:

> "We tried to avoid caste but we find it difficult to ignore caste in the present prevailing conditions We wish it were easy to dissociate caste from social backwardness at the present juncture In modern time anybody can take to any profession The Brahman taking to tailoring, does not become a tailor by caste, nor is his social status lowered as a Brahman A Brahman may be a seller of boots and shoes, and yet his social status is not lowered thereby Social backwardness, therefore, is not today due to the particular profession of a person, but we cannot escape caste in considering the social backwardness in India"

31 Rajendran's case, (1968) 2 SCR 786 = (AIR 1968 SC 1012) (*supra*) is an authority for the proposition that the classification of backward classes on the basis of castes is within the purview of Article 15(4) if those castes are shown to be socially and educationally backward No further material has been placed before us to show that the reservation for backward classes with which we are herein concerned is not in accordance with Article 15(4) There is no gainsaying the fact that there are numerous castes in this country which are socially and educationally backward To ignore their existence is to ignore the facts of life. Hence we are unable to uphold the contention that the impugned reservation is not in accordance with Article 15(4) But all the same the Government should not proceed on the basis that once a class is considered as a backward class it should continue to be backward class for all times Such an approach would defeat the very purpose of the reservation because once a class reaches a stage of progress which some modern writers call as take off stage then competition is necessary for their future progress The Government should always keep under review the question of reservation of seats and only the classes which are really socially and educationally backward should be allowed to have the benefit of reservation Reservation of seats should not be allowed to become a vested

interest The fact that candidates of backward classes have secured about 50% of the seats in the general pool does show that the time has come for a *de novo* comprehensive examination of the question It must be remembered that the Government's decision in this regard is open to judicial review.

Holding

1. Unitwise selection was held to be violation of articles 14 and 15 Despite this conclusion the selections already made were not set aside because the selected candidates were not made parties to the petition The 24 seats unfilled were ordered to be filled up according to the order of the Court.
2. 41% reservation was held not excessive.
3. The classification of backward classes. on the basis of castes was held to be within the purview of article 15(4) The Court relied on its earlier decision in Rajendran's case.

Dahyabhai Chaturbhai v State

11 Guj L R 386 (1970)

Facts

Challenge to a Government circular which regulated the disposal of riverbed lands to certain groups of people to the exclusion of others after cancellation of the existing order regarding the disposal of such lands by public auction The priority for disposal of such lands were

(i) *Bonafide* agriculturists of the village holding not less than 5 acres, preference will be given to Harijans, Adivasis and Backward Classes people

(ii) Holders of land adjoining *Bet Bhatha* lands holding land less than 16 acres and who in the collector's opinion have a genuine need of additional lands for maintenance of their families *Inter se* preference in this case also will be as per (i) above

(iii) Cooperative farming societies of *Harijans,* Adivasis and Backward Class persons.

(iv) Cooperative farming society consisting of landless labourers or small holders

(v) Any of the priority holder under the Water Land Rules

Issues

Was the quantum of reservation in favour of backward classes excessive?

Extracts

Mehta J

Therefore, the effect of these clauses is not to make a special provision for small land holders or landless people who need the land for their maintenance and who could not bid at the public auction as against rich people The whole classification is based on two essential principles —that the individual gets excluded both by co-operative society and by an individual member of Harijans, Adivasis and Backward class people *There is no list produced by the State, even though the State has been given proper opportunity to file an additional affidavits of persons who are regarded as backward class people and for whose benefit this reservation is sought to be made* There is, therefore, no material whatever to indicate the category of "backward class people" as understood in this relevant Government Resolution The fact remains that even the landless individual or small holder holding less than five acres would be thrown out of his existing tenancy as his lease would not be renewed, if he does not happen to be a priority holder as mentioned in Clause 5, while the cooperative society of any kind would have lease renewed if the condition No 1 is fulfilled by members individually holding less than 16 acres excluding *Bet Bhatha* lands and the total holding including the land to be granted is not exceeding the number of member multiplied by 16 acres Besides, *the reservation is so excessive as in cases of Harijans Adivasis and Backward class people* that they would completely exclude bona fide agriculturists having no land or having lands less than 5 acres who would have fallen otherwise under the first category of priority holders Similarly, in the second category when the ground for consideration is the holding of land adjoining *Bet Bhatha* land, even if the need for additional land for maintenance of family is found to be genuine, the individual shall be excluded and the Harijans, Adivasis etc would be preferred Even if these two preferential categories of priority holders are not there to exclude an individual or even the co-operative farming society of landless holders would exclude him and in those cases there are no limits specified of holdings of those cooperative members Even the exclusion would hapepn not only by the co-operative members, or individuals of priority class in the village but also by the same principle operating even in the neighbouring villages within the radius of five miles It is in the light of this exclusion scheme, which would leave no discretion to the competent authority and would absolutely bar any renewal in favour of persons other than the co-operative society or priority holders mentioned in this section, that we will have to consider the rival contention of the parties At this stage it would be relevant to note that the method of fixation of rent under clause (6) is that of the average of the past three years' auction realization or if there was no such auction, of rent actually realised for similar

adjacent lands Even in the absence of that, such rent is to be determined by the Collector on the basis of one-sixth of the gross produce converted in terms of cash, subject to revision as mentioned in Clause (7) This rent remains constant unless revised under Clause (8) for the renewal period of the lease of 10 years Therefore, in all these cases of Bet and Bhatha lands the effect of the circular would be that there would not be a single instanee of public auction from year to year which would augment the revenue but for a period of 10 years the lands would be given on the basis of these prices mentioned in clause (6)

As regards the second question raised by the petitioner the inequality is writ large on the face of this statutory order Even though an opportunity was given to the State to file proper affidavit, no list has been given of the backward classes to show that the criterion adopted by the State was the criterion laid down by their Lordships of the Supreme Court in this connection Besides, the reservations, as we have already pointed out, are so excessive that almost all the 100 per cent lands would to these Harijans, Adivasis and backward persons and the reservation would cease to be a reservation at all within the meaning of the exception provided in Art 15(4) of the Constitution After the decision of the Supreme Court in State of A P v P Sagar, A I R 1968 S C 1370, the law in this connection is now well settled At page 1562 it has been observed that the Parliament has by enacting Clause (4) attempted to balance as against the right of equality of citizens the special necessities of the weaker sections of the people by allowing a provision to be made for their advancement In order that effect may be given to clause (4), it must appear that the beneficiaries of the special provision are classes which are backward socially and educationally and they are other than the Scheduled Castes and Schedule Tribes and that the provision made is for their advancement Reservation may be adopted to advance the interest of weaker sections of society but in doing so, care must be taken to see that deserving and qualified candidates are not excluded from admission to higher educational institutions The criterion for determining the backwardness must not be based solely on religion, race, caste, sex or place of birth, and the backwardness being social and educational must be similar to the backwardness from which the Schedule Castes and the Schedule Tribes suffer These are the principles which have been enunciated in the decisions of the Supreme Cuort in M R Balaji's case, A.I.R. 1963 S C 649 and R Chitralekha v State of Mysore, A I R 1964 S C. 1823. In Balaji's case, it was in terms pointed out that a reservation which makes it possible for these backward classes to get seats even more than 50% would amount to excessive reservation, *as the concept of reservation would imply reservation of less* than 50% Therefore, on this short ground, this statutory order amounts to a class legislation and must be struck down As pointed out by their Lordships in the said decision at page 1384 when a dispute is raised before the Court that a particular law which is inconsistent with the guarantee against discrimination is valid on the plea that it is permitted under Cl (4) of Article 15, the assertion by the State that the Officers of the State had taken into consideration the criteria, which had been adopted by the Courts for determining who were the socially and educationally the backward classes of citizens, would not be sufficient to sustain the validity of the claim The Courts, of the country are invested with the power to determine the validity of the law which infringes the fundamental rights of citizens and others When a question arises whether a law which *prima facie* infringes a guaranteed fundamental right is within an exception, the validity of that law was made after full consideration of criteria which have a bearing thereon, and was within the exception, the jurisdiction of the Courts to determine whether by making the law a fundamental right has been infringed is not excluded The validity of a law which apparently infringes the fundamental rights of citizens cannot be upheld merely because the law maker was satisfied that what he did was right or that he believes that he acted in a manner consistent with the constitutional guarantees of citizens The test of the validity of a law alleged to infringe the fundamental rights of citizen or any act done in execution of that law lies not in the belief of the maker of the law or of the person executing the law, but in the demonstration by evidence and argument before the Courts that the guaranteed right is not infringed Therefore, merely by stating that the state was giving effect to the directive principles of the Constitution and was making reservation for weaker as contemplated by the Constitution is not a plea at all which would justify such a class legislation, when no attempt whatever has been made to show by any demonstrable evidence and argument that this was a reservation which would fall under Article 15(4) Besides, the fact that the classification is reasonable would not be able to support it, unless there is a nexus between the classification and the object sought to be achieved As we have already pointed out, the

object sought to be achieved is completely a collateral object and the criteria which are adopted for the alleged classification *viz* the membership of the co-operative society and the person being Harijan, Adivasis or backward class people have no national nexus whatever to the object of augmenting land revenue which would be the implicit object underlying the entire Code, including the statutory power of disposal of the said lands for the benefit of the public The Code never contemplated any exclusion of persons when such statutory power was sought to be exercised by the State by any statutory order

Therefore, this statutory order clearly violates Article 14 of the Constitution and even on that ground it must be struck down

In the result, this petition must be allowed The impugned Government resolution, dated December 28, 1960, is, therefore, held to be *ultra vires* and is struck down The respondents and the State revenue authorities are directed not to take into account this circular while considering the question of renewal of leases or disposals of the Bet and Bhatha lands in question and also not to dispossess the petitioner except in due course of law without first determining the question of renewal or disposal of these lands in accordance with law Rule accordingly made absolute in each case The State shall pay costs of the petitioner in each case

Holding

Reservation was found to be excessive in favour of backward Classes and was held to be unconstitutional

Gurinder Pal Singh v *State of Punjab*

A I R. 1974 Punj 125

Facts

A challenge to the government orders making reservations in favour of Scheduled Castes, Scheduled Tribes, backward classes and residents of backward areas and other classified categories for admission to medical colleges against 50% seats The quantum of reservations was

(i)	Scheduled Castes/Tribes	20%
(ii)	Backward Classes	2%
(iii)	Backward areas	10%
(iv)	Sportsmen/women	2%
(v)	Central Government nominees including from J&K	6%
(vi)	Women candidates	1%
(vii)	Candidates from border areas of Punjab	5%
(viii)	Children of political sufferers of the freedom struggle with Punjab domicile	2%
(ix)	(a) Children of defence personnel who have lost their lives (b) Children of defence personnel disabled (c) Children of the personnel of the Border Security Force killed/disabled (d) Children of the ex-Servicemen of Indian Armed forces	2%

Issues

(i) Is economic condition of a family relevant for making reservations in favour of backward classes for admission to medical college ?

(ii) Is reservation for residents of backward areas constitutional ?

Extracts

M R Sharma, J

Challenge to Item No (ii) may now be considered Regarding backward classes, it is submitted that reservation cannot be made for any particular caste or community because backwardness depends more or less upon the economic conditions of a family In this respect, the learned counsel for the State has drawn my attention to a circular letter No 2662-5WGII-63/6934, dated 20th April, 1963, issued by the State Government which provides that a family whose annual income is less than Rs 1,000 should be regarded as a backward family, and some communities which are socially looked down upon by the people of the State and whose annual income does not exceed Rs 1,800 and who are so declared by the State Government are also to be regarded as backward communities It would, thus, appear that this circular amply highlights the aspect of the backwardness of a family before such a family can be declared to belong to a backward class Such a classification is admissible under the Constitution and cannot be struck down The constitutional validity of the reservation made at Item Nos (iv), (v) and (ix) has not been challenged The next item regarding which a finding has to be given is the "backward areas" The learned counsel for the respondent has placed before me a brochure relating to the admissions to the 1st Year Class of the M B B S Course at the Government Medical Colleges at Patiala and Amritsar Regarding backward area candidates, the following conditions have been laid down —

"Backward Area Candidates

Candidates claiming admission from backward areas of the State should submit along with their applications a certificate from Deputy Commissioner/General Assistant to Deputy Commissioner, Sub-Divisional Officer (Civil) of the District concerned that the claim of the candidate falls under one of the following categories as given in Punjab Government letter No 15595-WG 56/4174, dated the 7th September, 1956, from the Chief Secretary to Government of Punjab —

(a) A person who with the family members has been residing in a particular village or town constantly for a period of ten years, or more and is likely to continue to reside there

(b) A person who has been residing in a village or town for a period of less than ten years, but is likely to reside there on account of the fact that he has obtained gainful employment or settled there after retirement, would also be termed as permanent resident, if the stay is for not less than five years.

(c) In the case of a person who has been residing in a village or town in the said area, the total period of his stay at both places will be counted towards his residence in that area."

A reading of this provision shows that a person residing in a particular village or a town for a particular period has been shown preference on the basis of residence only. A millionaire and a pauper living in such areas have been treated at par. If the object of making reservations in Medical Institutions is to show a preferential treatment to the economically backward people, then one fails to understand how a person living in the cities of the same State, can be accorded a preferential treatment with any justification. Article 15(4) of the Constitution provides that the State may make any special provision for the advancement of any socially and educationally backward classes of citizens. The classes of citizens mentioned in this Article do not relate to those citizens who reside within certain geographical limits regardless of their personal attainments or achievements. It is no doubt true that while making laws or while taking executive action, the State can make a reasonable classification on the basis of geographical limits but there must be an object for which such a classification is made and the classification itself must have a reasonable nexus with the object sought to be achieved. Residence in a particular area in a State qua the other citizens of the same state cannot form the basis for claiming additional privileges. If any law makes any such provisions, it shall have to be tested on the basis of Article 15 of the Constitution. I am further fortified in his opinion because in making a classification of the backward classes the State itself has made a rationale classification between ordinary communities and the communities which are socially looked down upon by the people of the State. In the case of the first category the limit of family income has been fixed at Rs. 1,000 per annum and in the case of the second category weightage has been given to offset the effect of social prejudices by fixing the annual income of the family at Rs. 1,800. In the very nature of things backward areas are those the residents of which are economically backward and who are denied the facility of higher education partly because of lack of educational institutions in these areas and partly because their residents do not possess the wherewithal to pursue higher education in institutions situated far away. In order to give relief to the really deserving residents of such areas, some yardstick for determining comparative prosperity of the residents has to be provided. The provisions quoted above do not give any such indication. I am of the considered view that reservation for backward areas mentioned at S. No. (iii) in Annexure ('A'), in the absence of any yardstick with which social and educational backwardness of the citizens of the area can be determined, is violative of Articles 14 and 15 of the Constitution. This reservation deserves to be struck down.

Holding

(i) Economic condition of a family was a relevant factor in determining backwardness.

(ii) Reservation for residents of backward areas was held to be unconstitutional.

B Sayeed Ahmed v State of Mysore

1969 (1) Mys L. J. 79

Facts

The petitioner had applied for admission into Pre-Professional course leading to M B B S Degree on the basis that he belonged to the socially and educationally backward classes He was denied admission though he had secured more marks than another backward class candidate with less marks

Issue

Whether on the basis of his father's occupation (mechanic) he fell within the socially and educationally backward class ?

Extracts

Narayana Pai, J

The answer to the complaint as set out in the counter affidavit of the Chairman of the Selection Committee is that on the material before them, the petitioner could not be classified as belonging to the socially and educationally backward class, and that, therefore he was considered in the general pool in which he could not secure admission, on the strength of his marks

Although in the affidavit filed along with the application, the petitioner's father was described merely as an ex-employee of concern called "Vikram Industries", it is clear from the affidavit of the petitioner and of the Chairman of the Selection Committee filed in this petition before us that it was ascertained that the petitioner's father was a 'mechanic' but, that, on account of rheumatism, he has been out of work for some months prior to the date of the application and also at the time of the application

The mere fact that at the time of the application, on account of ill health, the petitioner's father was not actually working, is not sufficient to hold that his occupation was not that of a "mechanic" As pointed out by this Court in Viswanath v The Chief Secretary to the Government of Mysore (1), the true test is the permanent occupation of the parent or the guardian of the applicant, and any temporary, inability to carry on the permanent occupation is not a disqualification There is no doubt therefore, that the occupation of the petitioner's parent was that of a 'mechanic'

There is also no dispute that the annual income of the parent was less than Rs 1200 his only income at the time of the application was Rs 624 being rent fetched by his ancestral house

The only remaining question therefore, is whether the occupation of a 'mechanic' is not one of the occupations set out in the relevant Government Order defining socially and educationally Backward Classes Occupations therein set out are

(i) actual cultivator ,

(ii) artisan ,

(iii) petty businessman ,

(iv) inferior service, i.e Class IV Government Servants and corresponding class of appropriate employment including casual labour , and

(v) any other occupation involving manual labour

On the view that 'mechanic' DOES NOT come within the scope of any one of the first four enumerated occupations, the argument on behalf of the respondent was that the further question did remain as to whether the occupation of 'mechanic' was dominantly one involving manual labour or whether it does not involve greater proportion of intellectual labour It appears to us that it is unnecessary to make an investigation on those lines A 'mechanic', according to the Oxford Dictionary is one who clearly answers the description of the word 'artisan' in the said Dictionary includes the word 'artisan' The meaning assigned to the word 'artisan' in the said Dictionary includes (1) 'one occupied in any industrial art' , (2) 'mechanic or handicraftsman' , (3) 'artificer'

Holding

"Mechanic" fell within the description of the word 'artisan' under the Mysore Government Order of July 1963 and hence the petitioner was entitled to be considered for admission on the basis that he belonged to backward classes Mandamus was issued directing the Selection Committee to consider the application of the petitioner.

Abdul Latiff v. *State*

A.I.R. 1964 Pat. 393

Facts

The Bihar Government had issued the following guidelines for the settlement of excise (ganja) shops in favour of Scheduled Caste and Scheduled Tribe applications by an Order of 20th August, 1958

(i) Intimation to be given to the Department of Social Welfare who would give due publicity among the Scheduled Castes and Scheduled Tribes ,

(ii) When there are several candidates for an excise shop out of whom one is a S.C. or S T candidate who is suitable, the settlement should not be made by lot but by offering to that applicant ,

(iii) If there are more than one suitable S C or S.T candidate, settlement is to be done by lot among such suitable candidates and the winner would get the shop ,

(iv) S C and S T candidates should not be rejected except after careful consideration of the matter.

The application of the petitioner who was one among the 39 applicants was rejected and he challenged the order.

Issues

Was the reservation exclusively in favour of S C and S T candidates excessive ? Was it valid under article 15(4) ?

Extracts

V. Ramaswamy, C J and N L Untwalia, J

As a matter of construction, it is manifest that Art. 15(4) of the Constitution is not an independent or substantive enactment but it is an exception or a qualification to the main guarantee under Art 15(1) of the Constitution It is, therefore, not permissible to interpret Art 15(4) of the Constitution in such a way as to destroy or nullify the meaning of guarantee under Art. 15(1) of the Constitution It is because the interest of the society as a whole is served by promoting the advancement of the weaker elements of that society that Article 15(4) of the Constitution authorises special provision to be made But if a provision which is in the nature of an exception completely excludes the rest of the society, that clearly is outside the scope of Art. 15(4)

Holding

The reservation exclusively in favour of S.C. and S.T. applicants was held to be unconstitutional.

Haridaya Narain v. Mohd Sharif

A.I.R. 1968 Pat. 296

Facts

The main constitutional questions related to the validity of section 49M of the Bihar Tenancy Act and Notification No A/T-1015/55-1091-R, dated the 7th February, 1956, of the Government of Bihar, describing Jajams (item No 13) as a backward community.

Issue

Whether Rajams belonged to backward classes ?

Extracts

Narasimhan, C J

Mr Mahendra Prasad Pandey has not been able to produce before us any material for holding that Jajams (Hindu and Muslims) are not socially and educationally backward On the other hand, in Mr P C Roy Choudry's Gazetteer of Darbhanga District at page 86, it was pointed out

"The incidence of literacy among them appears to be very low but a few of them who are educated have taken up other professions also"

Their educational backwardness is thus beyond question. Socially also, there is no data to show that they are not backward Hence there is no ground for striking down the notification for the sole reason that the classes have been described by their caste name

Holding

Hajams were held to be socially and educationally backward The court relied on the Gazetteer of Darbhanga District.

Laila Chacko v. State

A I R 1967 Kerala 124

Facts

The petitioner belonged to the Nair Community and he had secured 1st Class in the B Sc degree with 639 marks in the subjects. He was denied admission to Medical College

Issue

What is the criterion for identifying socially and educationally backward classes ?

Extracts

Mabbew, J

Counsel for the petitioner in that case submitted that the petitioner was entitled to get admission to the course for the reason that persons who have been admitted to the reserved seats have got lesser marks It was argued that the income of the petitioner's father is far below Rupees 6,000 and still the petitioner has not been admitted to the course, whereas members of the Exhava Community, the income of whose families is below Rs 6,000 have been considered as belonging to backward class and were admitted to the course and that it is discriminatory to have done so In other words the argument was that if income is the criterion for deciding the backwardness of a class, then the petitioner also belongs to backward class and should have been admitted to the course in preference to them as he had secured greater marks than any one of them Counsel submitted that as the classification has been made mainly on the basis of income, that classification ought to have been applied to the members of all the communities in the country and as the classification based on income has been applied to certain communities only, it is bad I am not inclined to accept this submission. It was after adverting to the relevant pronouncements of the Supreme Court on the subject that the Commissioner for Reservation of Seats in Educational Institutions, Kerala, decided to accept the means-cum-caste/Community test for determining the backwardness of a class The Commission observes at page 35 of its reports

> "We, therefore, consider that a means-cum-caste/Community test has to be adopted for the classifications so as to take is only the poor and deserving sections and exclude the wealthier sections"

> "Members of the families in the State which have an "aggregate income" of Rupees 4,200 and above per annum from all sources put together, cannot be considered to belong to any socially backward class whatever may be the caste or community to which they belong "

This has been enhanced by Government to Rs 6,000 in G O (P) 208/66/Edn, dated 2-5-1966 As I have already said, the determination whether a class is backward is a complex question Several factors will have to be taken into consideration It was not on the basis of income along that the question was determined Therefore, merely because the income of the petitioner's father is less than Rs 6,000 that would not entitle the petitioner to claim that he belongs to backward class on the basis of the test of income I, therefore, overrule this contention

Holding

Annual income of families alone cannot determine social and educational backwardness.

Rantnakara Shetty v *State of Mysore*

1969(1) Mys L J 149

Facts

The case involved the interpretation of the Mysore Government's order of July, 1963 defining socially and educationally backward classes The petitioner, an applicant for admission to Medical College claimed that he belonged to backward class within the meaning of Mysore Government's order He had declared that his father's annual income was only Rs 650 The Order had adopted economic condition and occupation as the criteria for determining backwardness An income limit of Rs 1,200 per family along with certain occupation was fixed as the yardstick for determining backwardness

Issue

(1) What does the expression "family" mean ?

Extracts

Narayana Pai, J

Although, as observed by this Court, the order purports to refer or deal with a family as a unit for the purpose of determining the status of the family and of the members of the family, the difficulty created by these is that it does not define what it means by a family Although the expression 'undivided family' has been used and is normally used by people, the exact legal import of that expression in its application to various categories of Hindus, is not always borne in mind That the order cannot apply or be applied only to families which answer the description of the legal expression 'Hindu undivided family' is clear from the fact that in Mysore State, to which the order applies, there are families of persons who are not Hindus, but profess other faiths like Islam, Christianity etc and at least two types of Hindu undivided families, Mithakshara families and Aliyasanthana families with one great difference between the two *viz*, whereas in the former, father and son belong to the same family, in the latter father and son belong to two different families The normal rule of interpretation should, therefore, be applied *viz*, that the word 'family' used in the Government Order is an expression which is intended to apply to all person irrespective of the rules of family law applicable to them. If so, the most obvious inference is that the reference is to the normal or natural consisting of a husband, wife and their children living together, along with such other relatives as may be living with them

Hence, the suggestion both in the course of the arguments, as well as in the form of affidavit annexed to the form of application, that the applicant and his parents or guardian should pursue one or other of the enumerated occupations appears to us to be correct.

The next and the more difficult question is to whom and in what manner the test of income should be applied If it were possible in the circumstances to hold that the family referred to in the Government Order is an undivided family known either to Mithakshara Law or Aliyasanthana law or any other system of family law holding property in common, then, perheps, it would have been easy to say that income of the entire undivided family should be taken into account When, for reasons already stated, such meaning cannot be assigned to the expression 'family' used in the Order, the income for purposes of the Order cannot be income of the entire undivided family of either the applicant or the applicant's father or both

It appears to us that there is some guidance for the resolution of this difficulty in the third paragraph of the Order itself While setting out the reason for the fixation of Rs 1,200 as the upper limit of annual income for purposes of the Order, it is stated that .

> "The per capita income of the States for the year 1961 was Rs 226 per annum Taking an average family to consist of 5 members, the average income of the family comes to Rs 1,030 per year"

The clearest suggestion in this is that a family contemplated is a natural or normal family whose total income is five times the per capita income as determined by statistics This statement proceeds upon the footing either that the income of a single

individual in the family is so high as to give the family the benefit of five times the per capita income, or that the income of one, two or more members of the family actually earning or contributing to its income is not less than five times the per capita income Whichever way one looks at it, the ultimate idea suggested is that the family of the applicant meaning thereby the applicant, his parents, his brothers and sisters and other relatives living together, have the benefit of an income of Rs. 1,200 per year irrespective of the fact which among them and how many among them earn that income or own properties which yield that income provided that all such income is available to the family and the benefit of it therefore is also available to the applicant

We hold, therefore, that an applicant may be regarded as belonged to socially and educationally backward class if

(i) he and/or his parents or either of them or his guardian in the event of his being an orphan, pursue or pursues any one of the occupations enumerated in the Government order , and

(ii) the total earnings of the income from property, if any, belonging to the parents (or in the event of the death of both of them, the guardian) of the applicant, together with the earnings and the income from properties, if any, belonging to the applicant, his brothers or sisters or other relatives living with them available to the family does not exceed Rs 1,200

If any one of the brothers or sisters does not contribute to the income of the family or does not contribute his or her income for the upkeep of the family, then his or her income is not available for computation Likewise, if the income from the properties of any one of the brothers or sisters or relatives is not available to the family of the applicant, then that income is also not available for the computation

Holding

Same as given in the judgment.

Sudha v S. C. of Medical College

A.I R 1967 Mys 221

Facts

The petitioner was an applicant for admission to one of the Government Medical Colleges in the State She had passed the Pre-University Course Examination of the Bangalore University She secured 197 marks in the optional subjects and 35 marks in the interview, that is aggregate marks of 232 She claimed to belong to socially and educationally Backward Class The last selected candidate in the General Pool of the Bangalore University secured 240 marks while the last selected candidate in the reserved seats for socially and educationally Backward Classes secured 222 marks in the aggregate It was undisputed that if her claim to belong to such Backward Class is upheld she is entitled to be selected for admission to one of the Medical Colleges and if her claim is not so accepted she would not be entitled to be selected

Issue

Whether the petitioner belonged to socially and educationally backward class on the basis that her father's occupation of "Purohit" was one which involved manual labour within the scope of Mysore Government's order of July, 1973 ?

Extracts

Chandrasekhar, J

In the affidavit sworn to by the Petitioner's father it is alleged that his occupation as "Purohit" falls within the category of any other occupation involving manual labour and that he is a petty Purohit having to do 'Paricharika' which an assistant has to do.

In deciding whether an occupation involves manual labour or intellectual labour, we have to look to the predominant character of that occupation. Every occupation involving intellectual labour may also involve some manual labour Even a Surgeon has to work with his hands in performing a surgical operation that does not make a Surgeon a manual labour as his hands performing a surgical operation that does not make a Surgeon a manual labour as his profession requires sustained study, learning and use of intellect Though a Purohit may use his hands in performing certain rituals and ceremonies, the predominent character of his occupation is that it requires study and knowledge of scriptures and of the body of the traditions and the performance of his work involves mainly chanting or recitation of 'mantras' and scriptures We are unable to hold that that the view taken by the Selection Committee that a Purohit's occupation does not involve labour is erroneous

Holding

The occupation of "Purohit" was one which did not involve manual labour and as such the petitioner could not claim to belong to backward class.

V Raghuramulu v *State of Andhra Pradesh*

AIR 1952 AP 129

Facts

Two applicants belonging to backward classes applied for admission to Medical Colleges They were interviewed but were not selected on the basis that the maximum seats allotted for the backward classes were exhausted by the other applicants from backward classes who secured higher marks than the petitioners, though in fact, they got higher marks than the two candidates who were selected for the seats thrown open for general competition The two candidates challenged the selection as a violation of article 15 and 29 The Government had fixed a maximum of 15% reservations for backward classes

Issues

(1) Is the prohibition on backward classes to compete with others violative of articles 15 and 29(2) ?

(2) Is the fixing of a maximum percentage of reservation for backward classes constitutional ?

Extracts

K Subba Rao, C J

By the Amendment nothing in Art 29(2) prevents a state from making any special provision for the advancement of any socially and educationally backward classes of citizens To that extent the fundamental right of the citizen under Art 29(2) can be abridged by the State But the abridgement is conditioned and circumscribed provisions of the clause Any special provision made by the State should be for the advancement of the backward classes of citizens and not to abridge the rights guaranteed to them under the Constitution or retard their progress

To illustrate The State may allot a minimum number of seats in professional colleges for backward classes This provision would be for the advancement of the backward classes for irrespective of the marks they secured, certain seats would be guaranteed to those classes But if in particular locality the members of the backward classes secure high marks and are able to compete with students of other classes they would not be deprived of their right to get admission into colleges beyond the quota allotted to them

Such a provision would certainly be for the advancement of the backward classes On the other hand, if a maximum be fixed, instead of providing for the advancement of those classes in the contingency visualised above It would retard their progress , for students of those classes who secure more marks than students who compete for the general seats and get less marks than students belonging to their classes would not get seats

To that extent the provision made by the State would be in excess of the power of conferred on it under Cl (4) and therefore cannot affect the fundamental right of the citizens whether they belonged to backward classes or not To put it differently, every individual citizen as a citizen whether he belonged to the backward classes or not has a right to get admission into an educational institution of the kind mentioned in Cl 2 of Art 29

The said fundamental right is abridged by the special provision made by the State for the advancement of any socially and educationally backward classes of citizens If the provision is for the advancement of such classes the fundamental right of a citizen is not infringed for his right itself is reduced by the provision

If the provision though it purports to be for the advancement of the backward classes, in effect abridged their rights, the entire rights, the entire provision or that part of it which abridges their rights would be had leaving untouched the fundamental right of every citizen whether he is member of the backward classes or not

In the instant case the State directed that a maximum of 15 per cent, of the total number of seats in any faculty may be reserved for backward class candidates The said rule is obviously made on the assumption that under the contingency more than 15 per cent, of the total number of seats in any faculty would be or could be captured by the members of the backward classes in open competition

This assumption has been bailed in the present case Therefore, the effect of the provision instead of advancing the cause of the backward classes prevents some members of those classes from getting seats were brought under common pool It may be that in order localities where the members of the other communities are more advanced educationally than in the second region of the Telengana Area, this rule may work for the advancement of the backward classes candidates

It is therefore not necessary to hold that the rule is bad but it would be enough to confine the operation of that rule to a case where the assumption underlying that rule applies and to hold that in other cases where the rule does not operate for the advancement of the backward classes the fundamental right of a citizen of that class is unaffected by the provision

We would suggest that the rule may be modified by substituting the words 'minimum of 15 per cent' for the words 'maximum of 15 per cent' or by any other appropriate way It is not dispute that but for the provision, the names of the two petitioners would have been considered along with the applicants selected from the general pool, and if so considered they would have been selected

Holding

(1) Prohibition on backward classes to compete with other was held to be violative of articles 15 and 29(2)

(2) Instead of fixing the maximum percentage of reservation for backward classes, a minimum percentage should be fixed

Part III
Constituent Assembly Debates and Summary of Court Cases Under Article 16(4)

Jacob Mathew v. *State of Kerala*

A.I R 1964 Ker 39

Facts :

The Government of Kerala passed orders in 1957 making reservation of seats for backward classes for admission to Professional colleges The quantum of reservation was 35% for backward classes and 5% for Scheduled Castes and Scheduled Tribes The backward classes were again sub-divided into the following groups —

(1)	Ezhavas	13%
(2)	Muslims	9%
(3)	Latin Catholics	3%
(4)	Backward Christians	1%
(5)	Other Hindus	9%
	Total	35%

The order of Kerala Government was challenged

Justice Vaidyalingam (as he then was) (Single Bench) held that from the materials adverted to by the State Government themselves it was clear that the Government had not validly determined as to who should be included in the backward classes The basis to include the Ezhavas and the Muslims as a whole as backward classes was predominantly based on the test of caste and religion and no enquiry into their economic condition had been made Consequently the classification of backward classes was invalid under article 15(4). The 35% quantum of reservation and the sub-division of that 35% was also not valid

II. On appeal to the Division Bench in *State of Kerala* v *R Jacob*

AIR 1964 Ker 316

the High Court (M S Menon, C J and Madhavan Nair, J) held the following ·—

Extracts .

The first and second respondents in O P No 1266 of 1963 are the applicants before us They are the State of Kerala represented by the Chief Secretary to Government and the Principal of the Medical College, Trivandrum.

The controversy relates to the validity of Ext R-1, an order of the Government regarding the selection of candidates for admission to the Medical College in the State The order is dated the 7th June, 1963, and is the successor of earlier orders on the subject.

Ext R-I reserves thirteen per cent of the seats for the M B B S Course to Ez'havas, nine per cent to Muslims and three per cent to Latin Catholics inclusive of Anglo-Indians The first question for consideration is whether these reservations can be sustained in the light of Arts 14, 15 and 29 of the Constitution.

We are not concerned in this case with any Scheduled Castes or Scheduled Tribes , and the only question for consideration—in view of Art 15(4) of the Constitution—is whether the Ez'havas, Muslims and Latin Catholics inclusive of Anglo-Indians can be considered as "socially and educationally backward classes of citizens" In M R Balaji *v* State of Mysore, AIR 1963 SC 649 the Supreme Court said

> "The backwardness under Art 15(4) must be social and educational It is not either social or educational but it is both social and educational "

In these regions of human life and values the clear-cut distinctions of cause and effect merge into each other Social backwardness contributes to educational backwardness , educational backwardness perpetuates social backwardness , and both are often no more than the inevitable corollaries of the extremes of poverty and the deadening weight of custom and tradition In view of the details furnished in the affidavit on behalf of the State dated the 10th August, 1953 and the affidavit of the guardian of the third respondent dated the 14th August, 1963, we have no hesitation in holding that the Ez'havas, Muslims and Latin Catholics inclusive of Anglo-Indian constitute "socially and educationally backward classes of citizens" within the meaning of Art. 15(4) of the Constitution.

As a matter of the fact the social and educational backwardness of the Muslims and the Latin Catholics inclusive of Anglo-Indians was not—and we

think correctly—in serious dispute The attack was essentially against the reservation of seats in favour of the Ez'havas

The Ez'havas form about twenty five per cent of the population of the State, and on the material before us it is not possible to say that the Government was wrong in its assumption that they constitute a community which is "socially and educationally backward" A perusal of the relevant entries in the Cochin Tribes and Castes by Mr L K Ananthakrishna Ayyar, the Cochin State Manual by Mr. C Achyuta Menon, the Report of the President of India, the Report of the Evaluation Committee constituted by the Government of Kerala and the other publications to which our attention has been drawn indicates that the three communities in whose favour the reservations have been made should be considered as backward both socially and educationally

It was contended before us that the Travancore Temple Entry Proclamation of 1112 M E , the Cochin Temple Entry Proclamation of 1123 M E , the Madras Temple Entry Proclamation of 1123 M E., the Madras Temple Entry Authorisation Act of 1947, and Art 17 of the Constitution of India which says

> "Untouchability" is abolished and its practice is forbidden The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law have altered the ancient character of the Ezhave community, and that they should not now be treated as socially backward It is true that at certain times, and in certain countries, society has given the lead to law In India, however, it has been the other way about. In his introduction to "some Aspect of Indian Law Today" Mr M C Chagla says
>
> "It is true that at certain times society has given the lead to law , but in India at least it is the other way about Law has given the lead to society, and law has placed before the society ideals and values to which people should confirm "

Confirmity in such cases does not synchronise with the promulgation of statutory enactments or constitution documents Time has to play its part, and time alone transmutes the ideals of the law into the relatives of everyday life No one can say that the introduction of progressive measures is the end, and not the beginning, of a process of amelioration Habits of thought dies hard and slow and occupations like toddy tapping carry their social stigma from one generation to another and through decades of conduct and behaviours

We have been furnished with a typed copy of the majority judgement of the Supreme Court in R Chitralakha *v* State of Mysore, Civil Appeals No 1056 and 1057 of 1963 (AIR 1964 SC 1823) We have not seen the blueprint of the decision and are quite unaware of what has been said in the judgement of the Judges who have dissented Our pointed attention was drawn to the following passages in the decision

> "The important fact to be noticed in Art 15(4) is that it does not speak of castes, but only speaks of classes If the makers of the Constitution intended to take castes also as units of social and educational backwardness, they would have said so, as they have said in the case of the Scheduled castes and the Schedules Tribes "

The contention on the basis of the majority decision was that there is the authority of the Supreme Court to say that there shall be no reservation on the basis of castes We are unable to understand the decision in that way The judgment refers to certain passages in AIR 1963 SC 649 and says

> "Two principles stand out prominently from the said observations, namely (1) the caste or group of citizens may be a relevant circumstances in ascertaining their social backwardness and (2) though it is a relevant factor to determine the social backwardness of a class of citizens, it cannot be the sole or dominent test in that behalf "

and

> "To put it differently, the authority concerned may take caste into consideration in ascertaining the backwardness of a group of persons , but, if it does not, its order will not be bad on that account if it can ascertain the backwardness of a group of persons on the basis of other relevant criteria "

According to Funk and Wagnalls Standard Dictionary "caste" is no more than an hereditary class into which Hindu society is divided And we see nothing in the decision of the Supreme Court which precludes the conclusion that if the whole or a substantial portion of a caste is socially and educationally backward, then the name of that caste will (not ?) be a symbol or a synonym for a

class of citizens who are socially and educationally backward and thus within the ambit of clause (4) of Art 15 of the Constitution

In the light of what is stated above we must reverse the judgment under appeal R Jacob Mathew *v* State of Kerala, 1963 Ker Lt 783 (AIR 1954 Kerala 39) in so far as it strikes down the reservation of seats in favour of the Ezhavas, Muslims and the Latin Catholics inclusive of Anglo-Indians We do so

In Wealth Tax Officer *v* Thuppan Namboodripad, Civil Appeals Nos 262 to 266 of 1963 (SC) the Supreme Court had to consider whether the provision relating to Hindu undivided families in the Wealth-tax Act, 1957, violated the equality before law guaranteed by Art 14 of the Constitution The Supreme Court said

> "We should like to point out that the High Court seemed to take the view that it was for the State to show that Art 14 was not applicable This is not correct, for it is for the party who comes forward with the allegation that equality before the law or the equal protection of the laws is being denied to him to adduce facts to prove such denial" In this view the burden of proof will be on the first respondent, and, perhaps all that we need say is that he has not proved that the Ezhavas, Muslims and Latin Catholics inclusive of Anglo-Indians are not entitled to the protection afforded by Article 15(4) of the Constitution

We must, however, point out that the paucity of up-to-date date has been a source of considerable worry It is impossible to say that our conclusion has not been influenced, to some extent at any rate, by our own experience of life and work in this State

An enduring conclusion, however, should not be based on data that is not absolutely up-to-date or on judicial experience which such data may disprove or modify We think it is essential that the State should immediately embark upon a fact-finding enquiry into matters that are relevant and frame appropriate orders in the light of that enquiry We direct the State to do so

Holding

(1) If the whole or substantial portion of a caste is socially and educationally backward then that caste can be considered as equivalent to socially and educationally backward class According Ezhavas, Latin Catholics, Muslims and Backward Christians formed backward class

Ramkrishna Singh v. *State of Mysore*

AIR 1960 Mys 338

Facts

The following two orders of Mysore Government listing backward classes and their reservation for admission to Professional Colleges were challenged.

(i) Order of 14th May, 1969
(ii) Order of 22nd July, 1959

The list of backward classes included 95 per cent of the population of the State and all communities and castes of the Hindus other than Brahmin, Banias, Kayasth, and all the communities in the State except Anglo-Indians and Parsies had been included in the list

The two Orders had fixed 20 per cent for Scheduled Castes and Scheduled Tribes and 45 per cent for the socially and educationally backward classes and the remaining 35 per cent was to be filled up on the basis of merit

The order of 22nd July, 1959 had further subdivided the listed backward classes into several categories and fixed different percentage for the reservation of seats The net effect was that the persons belonging to each sub-group could only compete for the seats reserved for them and were not eligible for the remaining seats reserved for the backward classes In other words they were debarred from competing for the remaining seats in open competition amongst the members of the backward classes listed in the orders

Issues

(1) Is the division of Backward Classes into various sub-groups and fixing of different percentage of reservation of seats for each such group and prohibition of one sub-group from competing for the seats reserved for the other sub-groups constitutional ?

Extracts

S R. Das Gupta,

It would appear from the above notification that not only the so-called socially and educationally backward classes, as mentioned in the first notification have been sub-divided into different groups but the percentage of reservation of seats in respect of each group has also been specified In other words, each group is only entitled to the percentage of seats as specified in respect of that group

Thus, for example, classes belonging to group No 1 is only entitled to 2 6 per cent of the seats reserved for backward classes and group 2 is entitled to 3 9 per cent thereof The result of this is obvious

The persons belonging to one of such groups can only compete for the seats which have been reserved for that group and are not eligible for the remaining seats reserved for the backward classes In other words, they are debarred from capturing the said remaining seats in open competition amongst the members of the backward classes as enumerated in the first notification This notification, therefore, instead of giving a benefit to the backward classes abridges their rights and cannot be supported by the provision of Article 15(4) of the Constitution

As was observed by their Lordships of the Andhra Pradesh High Court in the case reported in AIR 1958 A P 129 that if the provision though it purports to be for the advancement of the backward classes, in effect abridges their rights, the entire provision or that part of it which abridges their rights would be bad The net result of this notification is that while purporting to make special provision for the backward classes a discrimination has been made against them This is certainly not in compliance with the Constitution

The Constitution guarantees the fundamental right of every citizen whether he is a member of the backward class or not Such right includes the right to be admitted into any educational institution maintained by the Government irrespective of one's religion, race, caste, sex or any of them Article 15(4) allows an abridgment of that right But that abridgment has to be for the benefit of the backward classes In accordance with that Article special provision can be made for such backward classes, which, in the case of admission

to educational institutions. means that a limited number of seats bé reserved for them, leaving them free to contest the remaining seats

If, as was observed by their Lordships of the Andhra Pradesh High Court in the case reported in AIR 1958 Andhra Pradesh 569, the boys belonging to the backward classes by their merit secure more than the prescribed seats in the general competition, this rule cannot be invoked to reject the boys above the prescribed number , for, in that even their fundamental right under Article 29(2) would be violated But the present order has in fact debarred the boys of the different groups from getting any seats above the number of seats prescribed for the backward classes. By doing so, this order instead of benefiting them has abridged their fundamental right.

It was contended before us that in each of the groups one the forward class has been included Jains for example, it was shown to us, as having been grouped with large number of other classes and the reservation for that group is only 5 6 per cent It was contended before us and in my opinion, rightly, that the result of grouping in this manner may be that even the limited percentage of seats reserved for the classes mentioned in the said notification would be captured by those communities who are more forward than the others of that group leaving thereby the really backward classes with no chances of getting any seats even in the said small percentage of reserved seats

When this aspect of the matter was put to the learned Government Pleader he tried to justify the action of the Government by saying that unless such sub-divisions were made and special reservations were made for each of such sub-groups the comparatively forward classes in the list set out in the first order would have carried away all the seats reserved for the backward classes and the really backward people would in that even be deprived of any benefit under the said notification This argument, in my opinion, strikes at the root of the first order

It shows that the said notification was not in compliance with the provisions of Art 15(4) of the Constitution

Holding

The prohibition of each sub-groups of backward classes from competing with other sub-groups was held to be unconstitutional

Sardool Singh v Medical College

AIR 1970 J & K 45

The writ petitions arose out of the admission of candidates to the Medical College at Srinagar The petitioners were candidates who had been refused admission to the Medical College and had filed these petitions assailing the admission of some of the respondent candidates on the ground of their admission having been tainted with favouritism, nepotism and further that certain reservations made by the State Government were not permissible under Arts 14, 15 and 29 of the Constitution of India and, therefore, the petitioners were selected for hostile discrimination by the State The Government Order provided

Seats shall be reserved for these classes for technical trainings and higher education in the educational institutions engaged in impartig such trainings or education and maintained by the State or receiving aid out of the funds of the State, which shall as nearly as may be, near such proportion to the total number of seats available for such trainings for education in such institutions as is specified against each such class below, and admission to such institutions for such trainings and education shall be regulated accordingly—

(a) Permanent resident Scheduled Castes 5%

(b) Permanent residents of Ladakh Districts 2%

Issues

Was the reservation in favour of permanent residents of Ladakh district and Scheduled Castes constitutional under Article 15(4) ?

Extracts

Fazal Ali, J

It was next contended that reservation for persons belonging to Ladakh or to the Scheduled Castes was also not proper This argument, however, is to be stated only to be rejected because Art 15(4) specifically authorises the State to make special provisions for the advancement of socially and educationally backward classes of citizens or members of the Scheduled Castes In the instant case the Government has indicated the data on the basis of which it reached the conclusion that members belonging to the district of Ladakh and those belonging to the Scheduled Castes were backward classes of citizens The materials on the basis of which the Notification of the Government was passed have not been challenged before us, nor has it been shown to our satisfaction that persons coming from Ladakh are not backward

In AIR 1968 SC 1012 (P Rajendran *v* State of Madras) reservation on the ground that certain candidates belonged to a particular district which was backward was upheld, provided the reservation was not made purely on the basis of the place of birth In this connection their Lordships observed as follows —

> "Even though there may be some substance in the charge that all this complicated and confusing method has been provided in order to get over the prohibition in Art 15(1) by a camouflage we cannot say that there is a clear violation of Art 15(1) for the district which the candidate may claim does not depend upon the place of his birth We cannot, therefore, strike down R 8 on the ground that it discriminates on the basis of the place of birth of the candidate concerned"

In this case, no doubt, their Lordships did not approve of the allocation or distribution of seats districtwise, but that has not been done in the present case Ladakh happens to be only one of the districts of the State and the citizens belonging to this area have been declared by the Government to be socially and educationally backward so as to come within the protection given by Art 15(4) of the Constitution of India Thus the reservation made by the Government for condidates from the Ladakh district and members of the Scheduled Castes is perfectly valid and cannot be struck down as being violative of Arts 14, 15 or 29 of the Constitution of India.

Holding

Reservation in favour of candidates from Ladakh district and Scheduled Castes was valid Permanent residents of Ladakh district formed socially and educationally backward class

P Sudarsan v *State of Andhra Pradsh*

AIR 1958 AP 569

Facts were more or less similar to those in the *Raghuramulu* case

Issues

Were the same as in the *Raghuramulu* case.

Extracts

K Subba Rao, C J

Learned Counsel for the petitioner contends that the said decision accepts the principle of selection of candidates in two compartments one for the quota allotted for backward classes and the other for the general pool and, therefore, boys belonging to the backward classes, who succeed in a competition held for the general pool, must be excluded from the selections in the reserved field No such principle was accepted in the aforesaid decision

It was there held that the rule, under the circumstances of that case, did not affect the fundamental right of citizen belonging to the backward communities and that the petitioners therein having secured marks higher than the students selected from the general pool were directed to be admitted It was not argued therein that if the boys belonging to the backward classes were taken in the general pool the petitioners would have been excluded, while preserving the minimum guaranteed to backward classes students We had no occasion, therefore, to decide therein the question whether the selection should be made in compartments

That question arises in this case The fundamental right of a citizen whether he belongs to a backward community or not is to secure admission in any educational institution maintained by the State without his being discriminated on grounds only of religion, race, caste or any of them The State may abridge this right by making a provision for the advancement of any socially and educationally backward class of citizens

Presumably in exercise of that power, the State directed that a maximum of 15 per cent of the seats in each faculty should be reserved for candidates from backward classes If the boys belonging to the backward classes by their merit secure more than 15 per cent of the seats in the general competition, this rule cannot be invoked to reject the boys above the prescribed number, for, in that event their fundamental right under Art 29(2) would be violated

On the other hand, if the selection is made in two different compartments in such a way that some boys belonging to the backward classes are allowed to compete for the general pool and some for the reserved seats, it would cause great hardship to the boys belonging to other communities The rule, therefore, can be worked out in such a way as to protect the interests of students of the backward classes without at the same time causing prejudice to students of other communities.

This could be achieved by pooling all the candidates together and guaranteeing minimum seats for those belonging to the backward classes To illustrate If there are 100 applicants for selection to the Medical College, they would be arranged in the order of merit and even if more than 15 per cent of the candidates belonging to the backward classes could be selected on merit alone, they would be as selected

If they feel short of that number, they would be selected to make up their number on the basis of merit inter se between them though they got less marks than boys belonging to other communities This process will protect students of backward classes without doing any injustice to the forward ones The rule with the modification suggested by this Court in the earlier judgment does not compel selection in different compartments but only reserves some seats to the particular communities In this view as the petitioner did not succeed in the general competition and as seats reserved for the backward classes for their protection were exhausted, no right of the petitioner is infringed

Holding

Same as in the *Raghuramulu* case.

S. G Pandit v *State*

A I R 1972 Bom. 243

Facts

Rules framed by the Government of Maharashtra for admission to Government Medical Colleges in the state were challenged by the petitioner who sought admission in B J Medical College in Poona and was refused admission following the rules

Rules were

Admissions are granted once a year only at the Medical Colleges in the beginning of the academic year Except the seats for the nominees of the Government of India and the seats of the B J Medical College, Poona and Miraj Medical College, Miraj all the seats at each medical college are earmarked for the students of the universities to which the particular medical college is affiliated

Rule 4(d) provided as follows.

The percentage of seats reserved at each medical college will be

	Categories	Percentage of reservation
1	Scheduled Castes and Nav Buddhas converted from Scheduled Castes	13 per cent
2	Scheduled tribes including those outside specified areas	7 per cent
3	Denotified tribes and nomadic tribes	4 per cent
4	Other Backward classes	10 per cent
	Total	34 per cent

Reserved seats remaining vacant in any of the above groups for want of students in that group should go to other groups even if the percentage in a particular group exceeds the percentage prescribed for that group provided that the total percentage of the seats does not exceed 34 per cent of the total seats for backward classes These seats should go to the members of the general public only when backward class students from any of the above mentioned group are not available to fill up the seats The above percentage should be inclusive of the numbers of students who get admission on merit and should not be in addition thereto

Issues

(i) Is the basis of the proportion of population of backward classes, Scheduled Castes and Scheduled Tribes to the total population of the state in fixing the quantum of reservation for admission to Medical Colleges constitutional ?

(ii) Is the provision for carrying forward of vacant reserved seats of one sub-group of backward class to that of the sub-group valid ?

Extracts

Vaidya, J

The only other ground which was urged [illegible] Mr Paranjpe in support of the p[illegible] by the reservations made for the s[illegible] was that scheduled tribes and backw[illegible] scheduled castes and of the proportion of [illegible]ard classes on the basis population of the Sta[illegible] these communities to the filed by Mr Math[illegible], as stated in the affidavit that the classific[illegible], was irrational, and further on the basis [illegible]ation of the other backward classes that the [illegible] of castes was illegal He contended down [illegible] provision contained in Rule 4(d) laying an [illegible] that the reserved seats remaining vacant in [illegible] of the reserved group for want of students in that group should go to the other groups of scheduled castes, and scheduled tribes and backward classes, was also unworkable and irrational

We find no substance in any of these contentions It is possible that some other mode of reserving the seats may be adopted, but it cannot be said that the basis of the proportion of population adopted by the Government of Maharashtra in reserving seats for scheduled castes and scheduled tribes and other backward classes on the basis of the last census is in any manner unreasonable In the leading case on the subject M R Balaji *v* State of Mysore A I R 1963 S C 649 Gajendragadkar, J, as he then was, speaking for the Court laid down the principles as follows, while setting aside an order of the Government of Mysore which resulted in reservation of seats for 68 per cent of population of Mysore State treated as backward classes as plainly inconsistent with Article 15(4) :—

"In our country where social and economic conditions differ from State to State, it would be idle to expect absolute uniformity of approach, but in taking executive action to implement the policy of Art. 15(4), it is necessary for the States to remember that the

policy which is intended to be implemented is the policy which has been declared by Article 46 and the preamble of the Constitution. It is for the attainment of social and economic justice that Art. 15(4) authorises the making of special provisions for the advancement of the communities there contemplated even if such provisions may be inconsistent with the fundamental rights guaranteed under Art. 15 or 29(2). The context, therefore, requires that the executive action taken by the State must be based on an objective approach free from all extraneous pressures. The said action is intended to do social and economic justice and must be taken in a manner that justice is and should be done.

Applying the said principles to the facts of the present case, we find that the Government has adopted an objective and just test for determining the proportion of seats to be reserved in the medical colleges. Mr. Paranjpe further submitted that since the rest of the population of the State was not concerned with the Shivaji and Poona Universities, it was illogical to adopt the basis of the proportion of these communities to the entire population of the whole State in determining the proportion of seats to be reserved in medical colleges in the areas of Shivaji and Poona Universities. We do not find anything illogical in it. Reservation is permitted under Article 15(4) for the backward classes and, perhaps there is no better basis for such reservation than the proportion of the population of the backward classes to the whole population of the State. It would be totally unreasonable to expect the State to take a separate census of the backward classes population only of the areas of the two Universities or of each of the Universities in the whole State. The contention of Mr. Paranjpe that the rest of the population of the State is not interested in the admission of the medical colleges at these two Universities has to be rejected because the Government of Maharashtra is certainly justified in adopting a uniform rule of reservation in respect of all parts of the State, and if it has adopted a uniform rule on the basis of the population, we find nothing in it which is irrational or is hit by Article 14 or 15.

Mr. Paranjpe next contended that the reservation of the seats to students of these communities were also vitiated by the fact that they were qualified to apply for admission even if they got 40 per cent marks as against the minimum of 45 per cent prescribed for other students and thereby the Government instead of advancing the backward communities was encouraging them to be less advanced than the others. This argument ignores the very purpose for which Article 15(4) was enacted. The backward communities, who are recognised as such, and the scheduled castes and scheduled tribes have been suffering from social and economic handicaps for centuries and one of the ways by which their conditions can be ameliorated by making students, who get even somewhat lower marks, to be eligible for admission to medical colleges; and they must be considered as a measure in advancement of these backward communities.

Similarly, the contention of Mr. Paranjpe that the rule of carrying forward the vacant seats in a particular group to the groups in the backward classes is unworkable, has no merit because, in our opinion, Rule 4(d) is very practical and reasonable and easy of application. We do not find any difficulty in its working. The said rule is quoted above. It is manifest that the four groups mentioned in the rule are "socially and educationally backward classes of citizens" and "scheduled castes and tribes" and Art. 15(4) lays down that nothing in Art. 15 or in clause (2) of the Art. 29 shall prevent the State from making any special provision for advancement of the said classes, castes and tribes. The Government of Maharashtra has made such a special provision in Rule 4(d) for the four groups mentioned therein. They can be and are given mentioned special preferences under Art. 15(4). Under the rule, 34 per cent seats are reserved for all the four groups together and within the said 34 per cent seats, further special provision is made for filling up vacant seats reserved for any one or more of the four groups by throwing them open to students belonging to the remaining groups. All the four groups form one category of socially and educationally backward citizens. They are to be preference. Therefore, provision is made for filling up vacant seats among the seats reserved for them. The sub-Division into the four groups is made obviously only to allocate the reservation to the four groups falling under the one category of socially and educationally backward citizens so that the comparatively brighter students in one group may not keep out the students of the other groups. All this, in our judgement, is permissible under Art. 15(4) of the Constitution of India and consistent with Art. 46 which requires the State "to promote with special care the educational and economic interest of the weaker sections of the people, and in particularly, of the scheduled castes and scheduled tribes". The

petitioner cannot, therefore, challenge Rule 4(d) on the ground that after reserving seats for each of the groups, it further makes special provision for the benefit of these groups by throwing open the vacant seats in one group for students of the other groups or on the ground that vacant seats in any of the four grounds should be thrown open to all students on merit without making them again available to students belonging to the said groups.

Holding

(i) The Court held that the basis of the proportion of population of backward classes, Scheduled Castes and Scheduled Tribes to the total population of the State as based on the previous census for determining the quantum of reservation was valid and reasonable.

(ii) The provisions for carrying forward of vacant reserved seats of one sub-group of backward class to that of the other sub-group within the quantum of reservation allowed for such backward classes was held to be valid.

Shameem v. *Medical College, Trivandrum*

A.I.R. 1975 Ker. 131

Facts

The petitioners who belonged to communities which are socially and educationally backward challenged the constitutionality of the restriction imposed in G.O.P. 208/66/Edn. dated 2nd May, 1966 of the Kerala Government which stipulated that only applicants who are members of families whose aggregate annual income is below Rs. 6,000 would be entitled to admissions to the seats reserved for students belonging to the backward classes. The petitioners who had applied for admission to the First year M.B.B.S. Course 1974-75 were denied admission. The Government order was passed consequent upon the report of the Kumara Pillai Commission which recommended a ceiling of Rs. 4,200 as income limit.

Issues

(i) Whether exclusion of persons belonging to socially and educationally backward class on ground of higher income valid under article 15(4); in other words, the sub-division of the backward classes on the basis of income permissible ?

(ii) Whether the ceiling limit of Rs. 6,000 arbitrary ?

Holding *(Single Judge, K.K. Narendran, J.)*

(i) Exclusion of persons belonging to socially and educationally backward classes on the basis of higher income was not warranted under article 15(4).

(ii) The ceiling limit of Rs. 6,000 in the instant case was held to be arbitrary and irrational.

II. On appeal from the Shameem case to a Division Bench of the Kerala High Court, the Court in *State of Kerala* v. *Krishna Kumari* (A.I.R. 1976 Ker. 851) held the following :

Extracts

Govindan *Nair, C.J.*

12. In the case of the major communities like Ezhavas and Muslims which form sizeable portions of the population of the State the Commission found it difficult at the time of its report to classify these communities wholly, or even by and large, as socially and educationally backward. The anomaly of including all the members of such castes as socially and educationally backward, was noticed by this Court in the Full Bench decision in *Hariharan Pillai* v. *State of Kerala* 1967 KLT 266. It was, however, felt by the Full Bench that there was no material before it to come to the conclusion that a section of the members of the caste were not socially and educationally backward. The Court was, therefore, not prepared to hold that the assertion that the members of the caste were by and large backward socially and educationally was not correct. At the same time it struck a note of warning in paragraph 22 of the judgment. We shall extract paragraphs 22 and 23 of the judgment :

> 22. It is, however, necessary to strike a serious note of warning because the data that has been relied on, like the report of the Committee constituted by the Travancore Government before 1935 and that of the Committee that considered the question in 1957 as well as the census report of 1941, which have been relied on, have all become quite obsolete and out of date now. It is essential that relevant data must be collected periodically. The provisions in Articles 15(4) and 16(4) of the Constitution are only transitory provisions and the action taker under that must be modulated from tim to time. This can be done only if sur veys are made at regular intervals an detailed information collected. While am not for interfering with the selectio made on the basis of principles that hav more or less been in force for more tha two, perhaps three, decades, I am not f continuing the system without the matt being looked into afresh.
>
> 23. I consider that the 'backward class have to be drawn from all weaker s tions of citizens irrespective of the r gion and/or caste to which those sectic may belong. With this end in view,

> is desirable that the State should undertake a detailed survey as early as possible There will be no justification in continuing to apply the principles embodied in rules 14 to 17 of the General Rules after 31st March, 1968 without a fresh appraisal of the question involved

It is in the light of these observations of the Full Bench of this Court that the present Commission was constituted The principles applied by the Commission have been stated by the Commission in the report It has *applied the principle that for the test of social backwardness, economic factors as well as caste/community can be taken into account It has said so in paragraph II factors as well as caste/community can be taken in the account It has said so in paragraph II* at page 29 of the Report The main question that arises for consideration is whether the laying down of such a test is warranted by the Constitutional provisions as interpreted by the Supreme Court or whether what has been taken into account by the Commission is an extraneous consideration or an irrelevant consideration which would make the classification violative of Art 14 of the Constitution It has been emphatically argued before us by Sri Sivaraman Nair as well as by other counsel that a very insignificant section of the castes which are socially and educationally backward has been excluded by the Commission on the basis of an artificial level of income It was contended that this 'mini' classification as Sri Sivaraman Nair termed it is unjustified and even arbitrary

13 Poverty or economic standards is a relevant factor in determining social backwardness because the economic position has a *direct nexus to social* and educational status Economic backwardness contributes to a social backwardness and prevents educational advancement

17 In all cases of classification there will be border-line cases If the classification is permissible, the fact that it may cause hardship to a few individuals by itself will not make the classification unjust, unfair or arbitrary or perverse Whatever be the level of income fixed there will be borderline cases The *real question* is should a social and educational backwardness of the castes resulting from historical reasons be perpetual and the castes as a whole treated as socially and educationally backward even if there is a group *of persons* in the castes who are not socially and educationally backward Should all the members of such a community always remain backward? The idea in making the reservation is to give the members of such caste or community an equal opportunity with those who are treated as socially and economically advanced classes of the society If a group in those castes/communities were able to advance socially, educationally and economically, to make reservations for them would be to deprive the *chance of the really* socially and educationally backward classes of people in those communities/castes

18 It is not as though these castes or communities as such suffer in any manner in the matter of reservation of seats by the principle adopted by the Commission and the Government Reservation for the members of the community in quantum remains the same which are to a large extent treated as consisting of persons who are socially and educationally backward The communities described in Appendix VIII to the Report as such, therefore, do not lose a single seat that had been reserved for them earlier before the present Report of the *Commission had been accepted* by the order of the Government The competition is between the more advanced section of the castes and the less advanced The real question is whether the Commission had material before it which was relevant to enable it to say that those among the castes who were economically better off were not socially backward Some evidence had been collected by the Commission, and it is impossible to say that there was no material before the Commission for reaching the conclusion that it did Certainly it is *not* for this Court to weigh the quantum of evidence that was available or sit in judgement on the conclusions reached

The question *is, therefore, only whether* the approach made by the Commission is correct whethere it had kept in mind the guiding principles laid down by the Supreme Court, whether it had material before it, and whether it had taken into consideration any irrelevant or extraneous matters, in reaching the conclusions it did We are not prepared to say that there has been any flaw in the approach or in the adoption of principles The Commission had material before it and it has not been influenced by irrelevant or extraneous considerations Therefore, the contention that the classification is justified is not sustainable

22 Counsel then contended that the fixation of *the income* at Rs 6,000 for classifying those who are economically better off is quite arbitrary It was pointed out that at least at the time of the selection with which we are concerned in these cases

the sum of Rs. 6,000 was too low a figure. Reasons have been stated by the Commission for fixing the amount at Rs. 4,200 at the time the Commission submitted its report. The Government raised it to Rs. 6,000. It may be necessary to review this decision. This order of the Government was in 1966 and nearly a decade is now coming to close after the figure of Rs. 6,000 was fixed. We are sure that this matter will engage the attention of the Government and that it will take appropriate factors into consideration in deciding whether the figure should remain at Rs. 6,000 or should be altered. This is a matter which should engage the attention of the Government. But we are not prepared to say that the figure Rs. 6,000 was fixed arbitrarily. The Commission has seen reasons and has referred to relevant material for recommending the figure Rs. 4,200 and we consider that the Government was justified in raising the figure from Rs. 4,200 to Rs. 6,000.

Holding

Reversed the decision of Single Bench in Shameem case.

III. On appeal to the Supreme Court, the Court in *K. S. Jayasree* v. *State of Kerala*, (A.I.R. 1976 S.C. 2381) upheld the decision of the Kerala High Court in *Krishna Kumari's* case.

Extracts

A. N. Ray, C.J.

7. The Commission assumed office on 14th July, 1964 and submitted its report on 31st December, 1965. The recommendation of the Commission was that only citizens who are members of families which have an aggregate income of less than Rupees 4,200 per annum and which belong to the castes and communities mentioned in Appendix VIII constitute socially and educationally backward classes for purpose of Article 15(4).

74. When the Government passed the order on 2 May, 1966 the Government order stated *inter alia* as follows: "After the Commission collected data for its report, the cost of living has risen further and the income-tax exemption limit has been raised. Having regard to the current cost of maintenance of a student in a professional or technical institution, Government consider that the income limit of Rs. 4,200 suggested by the Commission should appropriately be raised to Rs. 6,000 per annum. In the circumstances, the Government accepted the above recommendation subject to the modification that only citizens who are members of families which have an aggregate income of less than Rupees 6,000 per annum and which belong to the castes and communities mentioned in the annexure to this Government Order will constitute socially and educationally backward classes for purposes of Article 15(4).

9. On 2 September, 1975 the State Government passed an order which *inter alia* states as follows:

"After the issuance of the Government Order the cost of living has risen further and the income-tax exemption limit has been raised. Having regard to the current cost of maintenance of student in a professional or technical institution, Government consider that the income limit of Rs. 6,000 prescribed in the Government Order should be appropriately raised. In the circumstances, Government are pleased to enhance to income limit of Rs. 6,000 prescribed to Rs. 10,000 per annum with effect from the academic year 1975-76."

19. The commission applied the tests for educational backwardness, test of habitation, necessity for a mean-*cum*-caste/community test, the income level for the means-*cum*-caste/community test, and came to the conclusion that citizens in the State of Kerala who are members of families which have an aggregate income of less than Rs. 4,200 per annum from all sources and which belong to castes or communities mentioned in Appendix VIII constitute socially and educationally backward classes for purposes of Article 15(4). The Commission found that generally the members of the castes and communities mentioned in Appendix VIII are educationally backward and that the lower income groups which have an aggregate income of less than Rs. 4,200 per annum are socially backward also. The lower income group of these castes and communities belongs in the opinion of the Commission to classes of citizens who are both socially and educationally backward.

20. In ascertaining social backwardness of a class of citizens it may be irrlevant to consider the caste of the group of citizens. Caste cannot however be made the sole or dominant test. Social Backwardness is in the ultimate analysis the result of poverty to large extent. Social backwardness which results from poverty is likely to be aggravated by considerations to their caste. This shows the relevance of both caste and poverty in determining the backwardness of citizens. Poverty by itself is not the determining factor of social backwardness. Poverty is relevant in the context of

social backwardness. The Commission found that the lower income group constitutes socially and educationally backward classes. The basis of the reservation is not income but social and educational backwardness determined on the basis of relevant criteria. If any classification of backward classes of citizens is based solely on the caste of the citizens it will perpetuate the vice of caste system. Again, if the classification is based solely on poverty it will not be logical. The society is taking steps for uplift of the people. In such a task groups or classes who are socially and educationally backward are helped by the society. That is the philosophy of our Constitution. It is in this context that social backwardness which results from poverty is likely to be magnified by caste considerations. Occupations, place of habitation may also be relevant factors in determining who are socially and educationally backward classes. Social and economic considerations come into operation in solving the problems and evolving the proper criteria of determining which classes are socially and educationally backward. That is why our Constitution provided for special consideration of socially and citizens as also Scheduled Castes and Tribes. It is only by directing the society and the State to offer them all facilities for social and educational uplift that the problem is solved. It is in that context that the Commission in the present case found that income of the classes of citizens mentioned in Appendix VIII was a relevant factor in determining their social and educational backwardness.

21. The problem of determining who are socially and educationally backward classes is undoubtedly not simple. Sociological and economic considerations come into play in evolving proper criteria for its determination. This is the function of the State. The Court's jurisdiction is to decide whether the tests applied are valid. If it appears that the tests applied are proper and valid the classification of socially and educationally backward classes based on the tests will have to be consistent with the requirements of Article 15(4). The Commission has found on applying the relevant tests that the lower income group of the communities named in Appendix VIII of the Report constitute the socially and educationally backward classes. In dealing with the question as to whether any class of citizens is socially backward or not, it may not be irrelevant to consider the caste of the said group of citizens. It is necessary to remember that special provision is contemplated for classes of citizens and not for individual citizens as such, and so, though the caste of the group of citizens may be relevant, its importance should not be exaggerated. If the classification is based solely on caste of the citizen, it may not be logical, social backwardness is the result of poverty to a very large extent. Caste and poverty are both relevant for determining the backwardness. But neither caste alone nor poverty alone will be the determining tests. When the Commission has determined a class to be socially and educationally backward it is not on the basis of income alone, and the determination is based on the relevant criteria laid down by the Court. Evidence and material are placed before the Commission. Article 15(4) which speaks of backwardness of classes of citizens indicate that the accent is on classes of citizens. Article 15(4) also speaks of Scheduled Castes and Scheduled Tribes. Therefore, socially and educationally backward classes of citizens in Article 15(4) cannot be equated with castes. In *R. Chitralekha* v. *State of Mysore*, (1964) 6 SCR 368 = (AIR 1964 SC 1823) this Court said that the classification of backward classes based on economic conditions and occupations does not offend Article 15(4).

22. The different castes that have been described in Appendix VIII to the Commission Report have not been accepted by the Commission as embodying the group of socially and educationally backward classes of people. Only those among the members of the castes mentioned in Appendix VIII whose economic means was below that stated by the Commission were treated as socially and educationally backward. The educational backwardness is reflected to a certain extent by the economic conditions of the group.

Holding

Caste and poverty are both relevant for determining backwardness. Application of the test of economic means to the members of castes listed by the Commission to determine their social and educational backwardness was upheld by the Court.

B. C. Swain v. Secy W. & T Deptt

A.I.R. 1974 Orissa 115

Facts

An order of Bihar Government of 1970 leasing out roadside lands to the Express Highway No 1 for agricultural and piscicultural purposes temporarily on annual basis to landless Harijans, preference being given to the Fishery Cooperative Societies of the landless Harijans, was challenged as violative of article 15(4)

Issues

(i) Whether "Harijans" as class are socially and educationally backward ?

(ii) Is Harijan a caste ?

(iii) Whether the court can take judicial notice of the fact that Harijans are socially and educationally backward ?

Extracts

Panda, J

Admittedly Harijans do not come under the Scheduled Castes and Scheduled Tribes enumerated under the Constitution Hence the line of reasoning of Mr Rath firstly is that unless Harijans come under the category of "any socially and educationally backward classes of citizens", the the impugned order would be directly hit by Art 15 on the ground of discrimination based only on caste as it is Mr Rath's second contention in this regard is that there is no evidence nor is there any presumption that Harijans as a class are socially and educationally backward

Admittedly there is no caste as "Harijans" There is no definition of 'Harijan' at any place This term is of recent origin—towards the middle of 1920s, the father of which was Mahatma Gandhi According to the lexicon (Bhashakosh) the caste Hindus who looked down upon the non-caste Hindus took some of the castes as untouchable and that comprised this category So Harijans are people of those castes whom the non Harijans or the caste-Hindus or Sabarna-Hindus viewed as untouchables. It follows, therefore, that Harijans is not a caste but a conglomeration of people of different castes who were taken to be untouchable by the Sabarna-Hindus The argument, therefore, that a clasification like Harijan is based on caste, is not correct The term 'Harijan' carries with it something more than the concept of a caste

In a case reported in AIR 1958 Madh Pra 352 (1958) Cri LJ 1398 (State v Purnachand), while interpreting the word 'Harijan' it is said

> "It is well known that the word 'Harijan' applies to untouchables and the use of that word by the witnesses should have been accepted as sufficient to hold that Mohanlal was prevented from going inside the temple, as he was an untouchable"

Mr Rath could not cite any authority for the proposition that the classification as a Harijan or non-Harijan is based on caste In fact, on the contrary all the citizens of Indian can be classified into two classes, viz, Harijans and non-Harijans--each division taking in its fold several castes So we would repel the contention that a classification as 'Harijan' is based on 'caste'

The next point that arises for consideration is whether the Harijans are socially and educationally backward classes of citizens According to Mr Rath, they are not and amongst them there are very rich people in affluent condition and highly educated and the Court will not be justified in drawing an inference that Harijans are socially and educationally backward classes of citizens coming under the protection of Article 15(4) True in the petition there is a vague allegation as quoted above that some Harijans of the locality are well off whereas some people of other castes are not so advanced as the Harijans of the locality, but no specific instance has been given or the percentage indicated to show how they are better off than the caste-Hindus Even so, if some Harijans have become Ministers or high executive officers, does it mean that Harijans as a class are not socially and educationally backward class intended under Art. 15(4) are people who are also not economically well off Mr Rath very much relied on a case law reported in 1973 (1) Serv LR 719 (AIR 1973 SC

930) (Janki Prasad v State of J. & K.) on the interpretation of the words 'backward class'. Therein it's stated .

> Article 15(4) speaks about "socially and educationally backward classes of citizen" while Article 16(4) speaks only of "any backward class of citizens" However, it is now settled that the expression "backward class of citizens" in Art 16(4) means the same thing as the expression "any socially and educationally backward class of citizens" in Article 15(4) In order to qualify for being called a "backward class citizen" he must be a member of a socially and educationally backward class It is social and educational backwardness of a class which is material for the purposes of both Articles 15(4) and 16(4) It is not merely the educational backwardness or the social backwardness which makes a class of citizens backward , the class identified as a class as above must be both educationally and a socially backward In India social and educational backwardness is further associated with economic backwardness Backwardness, socially and educationally, is ultimately and primarily due to poverty But if poverty is the exclusive test, a very large portion of the population in India would have to be regarded as socially and educationally backward, and if reservations are made only on the ground of economic considerations, an untenable situation may arise because even in sectors which are recognised as socially and educationally advanced there are large pockets of poverty In this country except for a small percentage of population the people are generally poor—some being more poor, others less poor Therefore, when a social investigator tries to identify socially and educationally backward clases, he may do it with confidence that they are bound to be poor His chief concern is, therefore, to determine whether the class or group is socially and educationally backward Though the two words "socially" and "educationally" are used cumulatively for the purpose of describing the backward class, one may find that if a class as a whole is educationally advanced it is generally also socially advanced, because of the reformative effect of education on that class The words "advanced" and "backward" are only relative terms there being several layers or starta of classes, hovering between "advanced" and "backward", and the difficult task is which class can be recognised out of these several layers as being socially and educationally backward".

We think this does not help the petitioner in any way, rather it goes against him

Thus the question that poses for consideration is whether in the above setting the Court can legitimately infer the fact that "Harijan" are socially, educationally and economically backward. Mr Rath could not cite any authority prohibiting the court from drawing any such inference . Indian Evidence Act in Part II, Chapter III lays down the "facts which need not be proved" Section 57 thereof enumerates "facts of which the Court must take judicial notice" Independent of the pleadings the Court's power to take judicial notice of some facts being recognised, it is to be seen if the Court can take judicial notice of the fact that the Harijans are as a class socially, educationally and economically backward It is now the settled law that facts of which judicial notice may be taken are not limited to those of the nature specifically mentioned in Cls (1) to (13) of Section 57 of Evidence Act. Besides the matters mentioned in those clauses, there are numerous others which are considered too notorious to require proof ; such matters are therefore 'judicially noticed' In matters of such common knowledge that it would be an insult to intelligence to require proof are to be dealt with in this way As judges must bring to the consideration of the questions they have to decide their knowledge of the common affairs of life it is not necessary on the trial of an action to give formal evidence of matters with which man of ordinary intelligence are acquainted, whether in general or in relation to natural phenomenons and whether in peace or war (Halsbury's Laws of England, Vol 15, 3rd ED p 399) There is a wide range of things which the Court can take judicial notice *viz* historical facts, geographical truths, scientific inventions, socio-economic conditions at a particular time and events of every day life and the like, as much as an axiomatic truth or natural phenomenons

The tendency of modern practice is to encourage the field of judicial notice Even it has been extended to the case Jorrors and said "Jurrors like Judges are not, because of their judicial functions, compelled to strip themselves of the knowledge which they possess of matters commonly and notoriously known " By way of reinforcing what we have said, we propose to refer only two decisions—one of the Supreme Court AIR 1970 SC 36, Chitra Ghosh v Union of India and another of this Court, AIR 1953 Orissa 53—(1953) (Cri LJ 544) Sheonath V The State

The passage quoted below (underlined portions) would show how much their Lordships of the Supreme Court rely on common knowledge. It is also an authority for the proposition how Annexure 8 is not discriminatory.

"The first group of persons for whom seats have been reserved are the sons and daughters of residents of Union territories other than Delhi. These areas are well known to be comparatively backward and with the exception of Himachal Pradesh they do not have any Medical College of their own. It was necessary that persons desirous of receiving medical education from these areas should be provided some facility for doing so. As regards the sons and daughters of the Central Government servants posted in Indian Missions abroad it is equally well known that due to exigencies of their service these persons are faced with lot of difficulties in the nature of education. Apart from the problems of language it is not easy or always possible to get admission into institutions imparting medical education in foreign countires....... Regarding Jammu and Kashmir scholars it must be remembered that the problems relating to them are of a peculiar nature and there do not exist adequate arrangements for medical education in the state itself for its students".

The classification in all these cases is based upon intelligible differentia which distinguished them from the group to which the petitioners belong.

In the latter case Narasimham, J. (as he then was) held :

> "The Court can take judicial notice of the fact that Sambalpur district is a surplus district as regards rice and there was extensive smuggling from the district to the adjacent States such as Bihar and Central Provinces".

Holding

(i) Harijans are socially and educationally backward.

(ii) The Court can take judicial notice of the above fact.

(iii) Harijan is not caste but a group of people of different castes who are considered as untouchable by the Sabarna-Hindus.

Shantha Kumar v. *State of Mysore*

(1971) 1 Mys, L. Jour. 21

Facts

The petitioner was an applicant for admission to Medical Colleges in Mysore State. He claimed to belong to socially and educationally Backward Classes. The Selection Committee for admission to Medical Colleges, did not accept his claim that he belonged to such Backward Classes. As the marks secured by him were not sufficiently high for being selected for one of the unreserved seats in Medical Colleges, he was not selected. In this petition, the petitioner had impugned the decision of the Selection Committee in not treating him as belonging to socially and educationally Backward Classes. The petitioner claimed that by virtue of his adoption by his uncle at the age of 16 years he belonged to socially and educationally backward classes.

Issues

Whether by virtue of adoption into a socially and educationally backward class, the adopted can claim the benefit of the Mysore Government's order of July, 1963 ? Whose income and occupation that of the natural father or of the adoptive father would be relevant ?

Extracts

Chandrasekhar, J.

In his application for admission, the petitioner stated that he was 19 years of age' that his father was one Ramiah Shetty who was a 'coolie' by occupation having an annual income of Rs. 450. The said Ramiah Shetty has signed the application as the parent of the petitioner. The petitioner produced along with his application a copy of the deed of adoption dated 10-3-1969, registered on 14-4-1969. According to this deed, the petitioner's natural father M. Krishna Shetty gave the petitioner in adoption to Ramiah Shetty about 3 years prior to the date of this deed, it is also recited in this deed that the wives of Krishna Shetty and Ramiah Shetty are sisters and that Ramiah Shetty who has no children, brought up the petitioner.

In the conter-affidavit sworn to by the Chairman of the Selection Committee, it is averred that the petitioner's father M. Krishna Shetty, is supervisor in the office of the National Extension Service at Kanakapura. The following circumstances have been mentioned in the counter-affidavit as being unusual. In the S.S.L.C. certificate dated 30-5-1966, the name of the petitioner's father is given as M. Krishna Shetty. In his application for admission as well as in the affidavit accompanying that application, the petitioner's initial is mentioned as 'K' which stands for the name of his father, Krishna Shetty. The petitioner's father who has in comparatively affluent circumstances, is stated to have given his son in adoption to a 'coolie' with a meagre income. Though the adoption is stated to have taken place in about the year 1966, the deed of adoption has come into existence just three months before making the application for admission.

It is stated in the counter-affidavit that taking into account the above circumstances, the Selection Committee was satisfied that the adoption deed must have been brought into existence for the sole purpose of claiming a seat reserved for socially and educationally Backward Classes, and hence the petitioner's claim that he belonged to such Backward Classes was not accepted.

The rationable of the reservation for socially and educationally Backward Classes, under Art. 15(4) of the Constitutions, is that the environmental conditions of persons belonging to such Backward Classes, are not conducive to social and educational progress, but contribute for social and educational backwardness.

The petitioner whose natural father is a supervisor in the Office of the National Extension Service, did not suffer from any environmental disadvantage till he was given in adoption at about the age of 16 years. But the evironmental conditions of his upbringing for 3 years by his adoptive father who may belong to socially and educationally Backward Classes, cannot be said to destroy or nullify the advantage of the environmental conditions of his upbringing for about 16 years by his natural parents before he was given in adoption. Whatever may be the position in regard to a boy who has been

given in adoption at a comparatively early age like 4 or 5 years, in the case of the petitioner who is stated to have been given in adoption when he was about 16 years of age, and had all the while imbibed the better environmental advantages of his natural father's income and occupation it is not reasonable to hold that the income and occupation of his adoptive father and not those of his natural father that should determine whether he (the petitioner) belongs to socially and educationally Backward Classes Any other view will lead to defeating the very purpose of reservation for such Backward Classes, by the device of adoption just before the time of applying for admission to technical and professional Colleges and Institutions, and thereby the benefit and protection to the Classes of persons who really suffer from environmental disadvantages, will be whittled down

In the circumstances of the present case, the decision of the Selection Committee in treating the petitioner as not belonging to socially and educationally Backward Classes, cannot be said to be unreasonable. We see no good grounds to interfere with such decision.

Holding

The income and occupation of the natural father above were relevant to determine whether the petitioner would come within the category of backward classes Applying that rule, the petitioner could not claim to be backward.

Subashini v State

A I R. 1966 Mys 40

The Mysore Government's order of July 1963 which made reservations for admission to medical colleges was challenged One basis of attack against the order was that under it more than 50 per cent of the available seats were reserved and hence, the quantum of reservation exceeded the *Balaji* Limit Factually, the total number of seats available in the medical colleges were 750 Out of those 3 seats were for cultural scholars of Indian origin domiciled abroad , 2 seats for Colombo Plan Scholars , 4 seats for student of Indian origin migrating from Burma , 4 seats for students from Asian and African countries , 2 seats for L A M S and L U M S , 5 seats for students coming from Goa , 2½% of the seats for children of Defence Personnel , 1% of the seats for those who have shown exceptional skill and aptitude in sports and games, 75 seats as central quota for students from other states If any of those seats were not filled, the unfilled seats would be transferred to the general pool Out of the remaining 18 per cent were reserved for Scheduled Castes and Scheduled Tribes and 30 per cent for the socially and educationally backward Classes.

Issues

Does the *Balaji* limit on the quantum of reservation apply to reservation for certain general categories of non-backward classes ?

Summary of Judgement

Hegde, J

It was argued that the total reservations for all groups exceeded the Balaji limit of 50 per cent. Rejecting this argument, the Mysore High Court held that the validity of reservation of seats for socially and educationally backward classes have to be judged by the conditions laid down in article 15(4a) The validity of the reservations for classes other than those socially and educationally backward classes Scheduled Castes and Scheduled Tribes had to be tested on the basis of the requirements of article 14 Such reservations should not be mixed up with the special reservation under article 15(4) The upper limit laid down in Balaji's case has application only to the reservation to be made under article 15(4) It does not include any reservation otherwise made.

S. A. Partha v State of Mysore

A.I.R. 1961 Mys. 220

Facts

A challenge was made to the orders of Mysore Government making reservations for admission to technical and professional institutions based on the interim report of Dr Nagan Gowia Committee to determine criteria for identifying the socially and educationally backward classes in the state The Government had fixed 22% reservation for backward classes, 16% for Scheduled castes and 3% for Scheduled Tribes. The remaining 60 per cent were to be selected on the basis of open competition on merit alone. If any seats reserved for candidates belonging to the Scheduled Castes or Scheduled Tribes remained unfilled, the same was to be filled by candidates of other backward classes

Issues

(i) When reservation is made for backward classes, Scheduled Castes and Scheduled Tribes, can they demand more seats than are included in the reservation on the basis of their backwardness ?

(ii) Is the transfer of unfilled seats meant for Scheduled Castes and Scheduled Tribes to other Backward Classes constitutional under article 15(1) and 29(2) of the Constitution ?

Summary of the judgment on the above two points A N Pai and M I Hussain JJ

The Court held that when a reservation of a certain percentage of seats is made in favour of Scheduled Castes or Scheduled Tribes or other Backward Classes, they could not on the basis of their backwardness ask for more seats than are included in the reservation percentage Compartmentalisation was open to objection from the point of view of the fundamental rights of both categories of citizens, namely the backward and the advanced classes. To prevent a number of the category entitled of reservation from competing in the general category would violate his fundamental right. To permit him to compete separately both in the reserved category as well as in the general category would result in the violation of the fundamental right of a member of the general category beyond the limits constitutionally permissible for the protection of the reserved category Hence, for a reservation of certain number of percentage of seats to be constitutionally correct or appropriate, it should not be in the nature of compartmentalisation but in the nature of a *guaranteed minimum* in the course of general competition among all categories of citizens

Regarding the transfer of unfilled seats of Scheduled Castes and Scheduled Tribes to other backward classes, the court said that those three groups were three different categories whose classification was based on different indicia and the classification of other backward classes might vary from time to time and with reference to the nature of their backwardness Consequently it was held that the allotment of seats under the provisions of the impugned orders in favour of other backward classes in excess of the 22 per cent reserved for them in a manner otherwise than by open competition is an unreasonable restraint on the fundamental right of other citizens and, therefore, opposed to the Constitution

Subhash Chandra v State of U.P

AIR 1973 ALL. 295

Facts

The State of Uttar Pradesh runs five medical colleges, one each at Allahabad, Kanpur, Meerut, Agra and Jhansi In addition, Lucknow University has a Medical College called King George Medical College In consultation with the Lucknow University, the State Government decided to hold one combined pre-Medical Test for selecting students for admission to the six medical colleges The work of holding the combined pre-Medical Test was entrusted to the Meerut University There were in all 578 seats in the six medical colleges Of these 26 had been allotted for nominees of the Government of India under various heads The remaining 732 seats were to be filled in by the combined Pre-Medical Test By different orders issued by the State Government a number of seats were reserved for various classes The ultimate reservation of seats was as follows —

(1)	Girl Candidates	20%
(2)	Candidates from rural areas	12%
(3)	Candidates from hill areas	3%
(4)	Candidates from Uttar Khand Division	3%
(5)	Candidates belonging to Scheduled castes	7%
(6)	Candidates belonging to Scheduled castes from rural areas and	3%
(7)	Candidates belonging to Schedulod tribes	1%
	Total	49%

As a result of the reservations, 368 seats remained as general seats This was 51% of the total number of seats i e 732 which were open to the combined Pre-Medical Test, the balance 368 (49%) being reserved seats

Issues

(i) Whether candidates from rural areas, Hill areas and Uttarkhand division belonged to socially and educationally backward classes ?

(ii) Whether 49 per cent reservation was excessive ?

Extracts

Satish Chandra, J

Sub-articles (3) and (4) of Art 15 classify women and children, socially and educationally backward classes of citizens, Scheduled Castes and Scheduled Tribes as distinct groups If the State Government makes reservation in respect of these groups, it cannot be said that the classification is not based upon rational differentia The object of the reservation in favour of the various categories of candidates is obviously to make special provision for their advancement This is specifically permitted by sub-articles (3) and (4) of Art 15 The differentia, are, therefore, reasonably related to the objects sought to be achieved by the reservation, namely to comply with the requirements of Art 15(3) and (4) Reservation in favour of girls is clearly covered by Art 15(3) of the Constitution as being a special provision for women The reservation in respect of candidates from rural areas, hill areas and Uttar Khand Division has been stated to be because the citizens of these areas from a socially and educationally backward class of citizens This, in our opinion, is undeniable from the point of view of education in medicine, because in this State there are only six medical colleges, each one of which is situated in a municipal town There is no facility for imparting medical education in the rural of hill areas or in the Uttar Khand Division From the point of view of imparting medical education, these areas were correctly treated by the State Government as having socially and educationally backward citizens

For the appellant, it was urged that the percentage of reserved seats comes to 49 per cent only if the 26 seats reserved for nominees of the Central Government are excluded from consideration Since reservation of 26 seats is also a reservation which precludes candidates for general seats to be selected against them, these 26 seats should also be taken into consideration while calculating the percentage of the reserved seats If these 26 seats are included the reserved seats would come to 62 per cent, which is according to the Supreme Court, unreasonable The submission proceeds upon a fallacy The Government which runs the medical colleges and

bears the entire burden of their expenses is entitled to lay down sources from which selection will be made. The Supreme Court in D N Chanchala v State of Mysore, AIR 1971 SC 1762 para 23 observed :—

> "A provision laying down such sources strictly speaking is not a reservation It is not a reservation as understood by Art. 15, against which objection can be taken on the ground that it is excessive"

The State Government may have been under obligation to the Government of India to provide some seats for its nominees These 26 seats were not open to be filled by the Pre-Medical Test All other categories of reserved seats were to be filled through the combined Pre-Medical Test These 26 seats cannot, in our opinion, be taken into account while determining the reasonability of the reservation of seats

Holding

(i) People from rural areas, hill areas and Uttarkhand Division belong to socially and educationally backward classes entitled to reservation under article 15(4).

(ii) The quantum of reservation, namely, 49% was not excessive.

Dalip Kumar v Govt of U.P

A I R 1973 ALL 592

Facts

The distribution of seats in the Medical Colleges of U P, under para 10 of the Instruction issued by the Registrar, Combined Pre-Medical Test, Agra University was challenged as violation of article 15(4) The distribution of seats was done in the following manner

Medical College

	Luck	Kan	Agra	All	Meerut	Jhansi
(a) Seats for general candidates (Male)	103	104	63	55	55	26
(b) For girl candidates	35	37	24	20	20	10
(c) For candidates from Rural areas	28	28	19	15	15	6
(d) For candidates from Hill areas (excluding Uttarkhand Division)	5	6	4	3	3	2
(e) For candidates from Uttarkhand Division (for these seats 50 per cent are reserved for female candidates from Uttarkhand Division)	5	6	4	3	3	2
(f) For Scheduled Castes Candidates	5	6	4	3	3	2
Total	181	187	118	99	99	50

Issues

(i) Was the reservation of seats for rural, hill and Uttarkhand areas constitutionally permissible ?

(ii) Are the criteria adopted for determining educational backwardness constitutionally valid ?

Extracts

D S Mathur, J There are two broad features of these Instructions, firstly, that in respect of general candidates, girls candidates and candidates from rural areas, the minimum qualifying marks are 25% in each subject and 33% in the aggregate, while for Scheduled Castes candidates these minimum figures are 25% and 30% In case of candidates from Uttarkhand Division, there is no such minimum qualifying marks, with the result that a candidate not securing any marks in any subject shall be admitted provided that the total number of candidates from Uttarkhand Division does not exceed the figures prescribed in the aforementioned instructions Another feature of the Instructions is that the reservations have been made not only for Scheduled Castes candidates but also for girl students, candidates from rural areas, candidates from Hill areas other than Uttarkhand Division and candidates from Uttarkhand Division In case of girl candidates if any girl candidate is selected from general candidates, the reservation for girl candidates shall stand reduced to that extent but not in the case of others Consequently, if sufficient number of qualified candidates are available more candidates from those categories (other than girl candidates) than prescribed in the Instructions can be admitted in Medical Colleges

In the instant case the State has tried to justify why the various groups or areas detailed in the Instructions were considered to be educationally backward but nothing has been indicated why and how could they all be treated as socially backward also For educational backwardness the main criterion appears to be the percentage of marks obtained in the Pre-Medical Test, the number of candidates from reserved areas appearing in the Pre-Medical Test and also the shortage of Higher Secondary Schools in those areas We must say that this is not sufficient for classifying all the residents of those areas as belonging to educationally backward classes All the residents of the village may be educationally backward, but the same cannot be said in regard to all the rural areas Instances are not unknown where literacy in a rural area is very high in some villages nearing cent per cent Similarly, in the Hill areas other than Uttarkhand Division there are classes of citizens who cannot be classed as educationally backward, Uttarkhand Division stands in a different category and in the absence of data it may be said that major part thereof is socially and educationally backward, but in Uttarkhand Division also there are certain areas all the residents whereof cannot be classed as socially and educationally backward

To put it differently, even if there may be some justification for placing Uttarkhand Division in the category of socially and educationally backward

classes, there is no justification to place all the rural areas and Hill areas other than Uttarkhand Division in that category

Holding

(i) The percentage of marks obtained in the Pre-Medical Test, the number of candidates from reserved areas appearing in the Pre-Medical Test and also the shortage of Higher Secondary Schools in these areas were not adequate to classify all the residents of these areas as belonging to educationally backward classes

(ii) Reservation for candidates from Uttarkhand areas was held to be valid, whereas for hill and rural areas it was not valid

Analysis of the Constituent Assembly Debates leading to the inclusion of article 16(4), 46 and 340

I *Article 16(4)*

Article 16(4), incorporated in the Constitution, corresponds to draft article 10(3) This reads

> "Nothing in this article shall prevent the state from making any provision for the reservation of appointments or posts in favour of any backward class of citizens, who, in the opinion of the State, are not adequately represented in the services under the State"

This, in fact, provides an exception to the principle of equality of opportunity in public employment, guaranteed under this article of the Constitution

Draft article 10 submitted in similar terms by K M Munshi and Ambedkar came up for consideration before the Assembly on 30th November 1948, and various amendments were moved

Lokanath Mishra (Orissa General) proposed deletion of clause 3 altogether In his opinion it was unnecessary as it put "a premium on backwardness and inefficiency [1] Further no citizen had the fundamental right to claim state employment on any other consideration apart from merit A similar plea for deletion of clause[1a] was made by Damodar Swarup Seth (United Provinces General) on the ground that "though the clause on the face of it appears to be just and reasonable it is wrong in principle" [2] [a] He pointed out that the term "backward" was not easy to define nor was it easy to "find a suitable criterion for testing the backwardness of a community or class" [2a] He argued that if accepted, it would give rise to casteism and favouritism, which should not find a place in a secular state While necessary concessions could be given to backward classes for improving educational qualifications and raising the general level of their uplift, appointments to posts should only be on merit and qualifications, concessions not being allowed to any class on the ground of backwardness [3]

Further amendments suggested retention of clause 3 though in a modified form.

Thus, Hirday Nath Kunzru suggested the amendment that in clauses 3 the words "shall prevent the State from making any provision for the reservation" be substituted by the words "shall during a period of ten years after the commencement of this Constitution, prevent the State from making any reservation' [4] Castes and the Scheduled Tribes in the making of appointments to services and posts Article 338 makes provisions for a "Special Officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President" His duty would include "Investigation of all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes" and submit a report thereon to the President

Thus, it seems obvious that these articles do not refer to "backward classes" as does draft article 10 (3) corresponding to article 16(4) of the Constitution To that extent, the articles are opposed, though it can be argued that it is more a case of overlapping in as much as reservation for " 'backward classes' in article 16(4) very obviously includes reservation for members of the Scheduled Castes and Tribes"

When clause 3 came up for general discussion the use of the word "backward" led to controversy as the scope of the term had not been adquately defined Thus, Ari Bahadur Gurung (West Bengal General) raised the question as to whether the term "backward classes" includes three categories of people, namely Scheduled Castes, and Tribes and one particular class which is not included so far, under the term "backward" although it is —

The amendment would then read as follows

> "Nothing in this article shall, during a period of ten years after the commencement of this Constitution, prevent the State from making any reservation of appointments of posts in favour of any backward class of citizens who etc "[5]

In his view it was not desirable that any special provisions granting protection to communities should operate indefinitely Further the term "backward" had not been defined anywhere in the Constitution It was left to the law courts to decide as to whether a class was backward or not He felt that the term "backward" should be defined by the House, so that there could be no dispute as regards its meaning in the future

Aziz Ahmad Khan (United Provinces Muslim) suggested the amendment that the word "backward" in clause 3 should be omitted He submitted that when the Minority Report was placed

before the House, the word "backward" was not present and it had been "finally decided"[7] that it was unnecessary to include it Further, if this amendment was not accepted articles 296 and 299 of the Draft Constitution would become opposed to article 10[8] Draft article 296 and 299 correspond to articles 335 and 338 of the Constitution Article 335 safeguards the claims of the members of the Scheduled educationally and economically backward"[9] In the category of one particular class, he pleaded that the Gurkhas "who are domiciled in India should have the same privilege as other backward communities in India"[10]

Members, who belong to the backward classes, and were given an opportunity to express their views, generally favoured the provision in clause 3 Majority of these, expressed their apprehension with regard to the scope of the word "backward" They pleaded for a classification to the effect that the word may have application only to them In fact, R M Nalavade (Bombay General) suggested that the term "backward classes" be substituted by the words "Scheduled Castes". He argued that the words "backward classes" are so vague that they could be interpreted in such a way as to include so many classes which are even educationally advanced[11] Dharam Prakash (United Provinces General) submitted that "the words backward classes" should be substituted by 'depressed class' or 'scheduled class' because the latter have a definite meaning[12] He pointed out that "backward" class had yet to be defined and there was "no possibility of its being defined in the near future"[13] He, therefore, supported the amendment that the words "backward class" be substituted by 'scheduled caste' Chandrika Ram (Bihar General) was in favour of adding the words "Scheduled Castes" after the words "Backward Classes" He pleaded that since Harijans enjoyed provisions for reservation in services, there should be similar provision for backward classes also Expressing disapproval of the amendment suggested by Seth Damodar Swarup and Lokanath Misra seeking to delete the words "backward class" be observed that those who were of the opinion that no backward class existed in the country were "blind to the facts of the history of our country, to the progressive society of today and to the conditions obtaining at present"[14]

P Kakkan (Madras General) also supported the article He urged that the Government "take special steps for the reservation of appointments for the Harijans for some years"[15] While supporting the clause, V I Muniswamy Pillay (Madras General) pointed that the word "backward" had not been defined properly He was apprehensive as to whether communities earlier left out in the administration—specially the scheduled castes—had been provided for He pleaded that a clear indication be given by the House that their interests would be protected The argument advanced by some members of the House that reservation was not necessary he thought to be "unwholesome thinking"[16] This was so, because so long as the communal canker remained, reservation for communities would be necessary However, he was pleading the case of the Scheduled Castes for different reasons i e "because they have been left in the lurch and due to their lack of social economic and educational advancement for years"[17]

T Channiah (Mysore) also favoured retention of the word "backward" He pointed out that notwithstanding that the word "backward" had not been defined in the Draft Constitution, it was known in North India that among Hindus, the classes of people engaged in agriculture and artisans works belonged to the backward class In South India the scope of the "backward classes" was very distinct. They were either socially or educationally backward but not those who were economically forward In Mysore for class B vacancies, only backward classes were considered, while class A was meant for both Brahmins and non-Brahmins He agreed with Ambedkar that the word "backward" should be retained on the ground that clauses (1) and (2) of this article "would be null and void if this word 'backward' is not retained in clause (3) of article 10"[18] He further urged that the reservation for 10 years suggested by Kunzru be extended to 150 years to equalise the period they had been deprived of opportunities

Santanu Kumar Dass (Orissa General) also supported retention of the article He voiced his opinion that due to "evil effects of foreign rule" it was not possible to immediately delete provisions as regards reservation from the Constitution As long as these conditions prevailed, there would be demands for such reservation for the Harijans and Scheduled castes, who were included in the term "backward class"

H J Khandakar (C P &A Berar General) favoured the word 'backward' in clause 3 He argued that in its absence, "the purpose of the scheduled castes would not have been served as it should"[19] He stressed their condition as being "deplorable" since although such candidates apply for some Government posts, they are not selected, because the selectors belong to other communities or sections He pointed out that the term 'backward'

was vague and had not been defined anywhere He disagreed with Chandrika Ram that such a definition was given in the Census Report What had been defined there was 'scheduled caste' He, therefore, supported the amendment proposed by Muniswamy Pillay that the words 'scheduled caste' be added after "backward class'

On the other hand, some members supported omission of the word "backward" as they were of the view that its scope was likely to be misconstrued by the State which might adversely affect claims of minority groups seeking adequate representation in the services

Thus, Mohamed Ismail Sahib (Madras Muslim) pointed out that though the word "backward" had not been defined in the Constitution, in Madras it had "a definite and technical meaning"[20] The Government had enumerated more than 150 of these classes—all belonging to the majority community of Hindus—and if the Scheduled Castes were included it would constitute "the majority of the whole population of that province"[21] If this was its meaning, then he was apprehensive that the backward classes in minority communities e g Muslims and Christians, would be "excluded from the purview of this clause"[22]

K M Munshi now replied to the criticism levelled against the draft article As regards the fears voiced by members, who belonged to the Scheduled Castes, he observed

> I cannot imagine for the life of me how, after an experience of a year and a half of the Constituent Assembly any honourable Member of the Scheduled Castes should have a feeling that they will not be included in the backward classes so long as they are backward Look at what has been going on in this House for the last year and a half Take article 11 There has not been a single member of the non-Scheduled Caste who has ever raised any objection to it On the contrary, we members who do not belong to the Scheduled Castes, have, in order to wipe out this blot on our society, been in the forefront in this matter
> What we want to secure by this clause are two things In the fundamental right in the first clause we want to achieve the highest efficiency in the services of the state
> At the same time, in view of the conditions in our country prevailing in several provinces, we want to see that backward classes, who are really backward should be given scope in the State services ;
> the word "backward" signifies that class of people—does not matter whether you call them untouchables or touchables belonging to this community or that—a class of people who are so backward that special protection is required (for them) in the services

T T Krishnamachari, who spoke after K. M. Munshi referred to article 10 as a piece of "loose drafting",[24] which shoud not, in his opinion find any place in the chapter on fundamental rights Referring to clauses 3 in particular he inquired "who are the backward class of citizens ? It does not apply to a backward caste It does not apply to a Scheduled Caste or to any particular community"[24a] Further, what would be the criteria for determining who was "backward" He suggested the basis of literacy and raised the question that "If the basis of division is literacy, 80 per cent of our people fall into the backward class citizens, who is going to give the ultimate award ? Perhaps the Supreme Court"[25] It would have to find out the intention of the Constitution—makers as to who constitute the backward class Was it a class based on grounds of economic status or on grounds of literacy or on grounds of birth ? However, he was confident that it would be ultimately interpreted by the Supreme Court on some basis—caste, community, religion, literacy or economic status The Drafting Committee had thereby, he thought, produced a "paradise for lawyers"[26]

B R Ambedkar, in his reply to the criticisms against draft article 10(3) justified inclusion of the word "backward" as "the Drafting Committee had to produce a formula which would reconcile"[27] opposing points of view viz that there should be equality of opportunity without reservations of any sort for any class or community, as opposed to this, the other view-point, while approving of the principle of equality of opportunity in theory, maintains that there should be "a provision made for the entry of certain communities which have so far been outside the administration"[28] Keeping this in mind, it was apparent that "no better formula could be produced than the one that is embodied in sub-clause (3) of 10"[29] He further pointed out

> Unless you use some such qualifying phrase as "backward" the exception made in favour of reservation will ultimately eat up the rule altogether . That I think is the justification why the Drafting Committee undertook on its own shoulders the responsibility of introducing the word "backward" which, I admit, did not originally find a place

in the fundamental right in the way in which it was passed by this Assembly

Finally, he referred to two questions which had been raised during the debate in the Assembly viz, definition of "backward community" and justiciability of class III of the draft article As regards the former he stated, "Any one who reads the language of the draft itself will find that we have left it to be determined by each local Government A backward community is a community which is backward in the opinion of the Government" [30] As regards the latter he observed "It is rather difficult to give a dogmatic answer Personally I think it would be a justiciable matter" [31]

When it was put to vote, the amendments relating to clause 3 of the article were negatived by the Assembly, and it was adopted without any amendment or alteration However, the Drafting Committee subsequently renumbered it as article 16(4)

Conclusion

The aim of the Drafting Committee in incorporating this clause in the Constitution has been emphasized by K M Munshi, viz, to protect the interests of the "backward classes" by securing representation for them in the services—a protection necessitated by the conditions which prevailed then in several provinces in the country Since the word "backward" has not been defined anywhere in the Constitution, not surprisingly it has proved controversial However, its inclusion has been well justified by Ambedkar, Chairman of the Drafting Committee, who rightly pointed out that if "such qualifying phrase" is not used "the exception made in favour of reservation will ultimately eat up the rule altogether"

The Constituent Assembly Debates indicates that the draftsmen themselves were not sure as to the criteria to be adopted in determining "backwardness" they wanted to maintain a flexibility in the matter and to base the matter to every state Government to determine "backwardness" with ultimate review by the court One or two members did express the view that the case of backwardness may be literacy and occupation, etc View was also expressed that the term "backward classes" did cover Scheduled Castes

1 C A D Vol VII, pp 673

1a Its deletion was also proposed by Tajamul Hussain See Comments and suggestions in the Draft Constitution, IV Select Documents 31-2

2 C A D Vol VII pp 679

2a Ibid

3 Ibid.

4. Ibid

5 Ibid

6 A similar suggestion was put forward by T A. Ramalingam Chettiar See 'Comments and suggestions' on the Draft Constitution, IV Select Documents Sl. 2

7 Supra note 1 at 681

8 Other amendments suggested were addition of words "economically or culturally" before "backward" in clause 3 by R R Diwakar and S V Krishnamoorthy Rao, insertion of the words "the Scheduled Castes" or before the word "backward' See by Upendranath Barman See supra note 1a

9 Supra note 1 at 685

10 Ibid

11 Id at 686

12 Id at 687

13 Id. at 686

14 Id at 688

15 Ibid

16 Id at 698

17 Ibid

18 Id at 690

19 Id at 691

20 Id at 692.

21 Ibid

22 Id at 693

23 Id at 696-7

24 Ud at 697

24a Id at 699

25 Ibid.

26 Ibid

27 Id at 701

28 Ibid

29 Ibid.

30 Id at 702

31 Ibid

II *Article* 46

Article 46 of the Constitution which corresponds to article 37 of the draft Constitution reads

> "The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular of the scheduled castes and the scheduled tribes, and shall protect them from social injustice and all forms of exploitation"

The article came up for consideration by the Constituent Assembly on 23rd November 1948 Two amendments were moved

Hukum Singh (East Punjab Sikh) suggested that for the words 'Scheduled Castes' the words 'Backward communities of whichever class or religion be substituted" [1] He argued that as the term "weaker sections" had not been "defined anywhere", it might well be apprehended that attention would be focussed on the latter part which relates to 'Scheduled Caste', as a result 'weaker sections'

would pale into insignificance and "not mean anything at all"[2] He stated that his only objective in proposing the amendment was to eliminate any possible discrimination He pointed out, in this context, that 'Scheduled Castes' had been generally understood by the masses to "exclude the members of the *same castes professing Sikh religion*"[3] In his view, since the article promoted "educational and economic interests" "it should be made clear that it is to be done for all backward classes, and not for persons professing this or that particular religion or belief"[4]

The second amendment was moved by A V Thakkar (United States of Kathiawar Saurashtra) which suggested "Inclusion of the backward classes among Hindus and among Muslims"[5]

At this stage, B R Ambedkar, Chairman of the Drafting Committee, intervened expressing his view that both the aforesaid amendments "would be more *appropriate to the Schedule*"[6] and could be considered at the time of dealing with it As such, he suggested postponement of their consideration

Consequently, A V Thakkar stated that he would not move his amendment at this stage while Hukum Singh sought leave to withdraw his amendment which was granted

The motion "that article 37 do stand part of the Constitution"[7] when put to the vote of the House was adopted and article 37 was subsequently renumbered as article 46 and added to the Constitution

1 VII C A D 552
2 Id at 553
3 Ibid
4 Ibid
5 Ibid
6 Ibid
7 Ibid

III *Article* 340

Article 340 of the Constitution which corresponds to *article 301* of the Draft Constitution, Provides

(1) The President may by order appoint a Commission consisting of such persons as he thinks fit to investigate the conditions of socially and educationally backward classes within the territory of India and difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their condition and as to the grants that should be given for the purpose by the Union any State and the *conditions* subject to which such grants should be given, and the order appointing such Commission shall define the procedure to be followed by the Commission

(2) A Commission *so appointed* shall investigate the matters referred to them and present to the President a report setting out the *facts as found by them and making* such recommendations as they think proper

(3) The President shall cause a copy of the report so presented, *together with a memorandum* explaining the action taken thereon to be laid before Parliament.

The draft article 301 came up for consideration of the Constitutent Assembly on 16th June 1949. At this time various amendments were suggested

H V Kamath (C P & Berar General) proposed deletion of the words consisting of such persons as he thinks fit in clause 1 of the draft article, as he considered them "wholly superfluous"[1] He even went to the extent of stating that "they cast a reflection upon the wisdom of the President"[2] He further suggested another amendment, viz, "for the word "difficulties" in clause 1 of the draft article, *the word* "*disabilities*" be substituted"[3] In his opinion the latter conveyed the idea better than the former He pointed out that in article 9 (article 15 of the Constitution which prohibiting discrimination on grounds of religion, race, caste, sex or place of birth) the word "difficulty" was absent Instead, it refers to "any disability, liability, restriction, condition" etc This particular article had already been passed by the Assembly In his view, the word "difficulty" was hardly a constitutional term and the word "disability" was "far more appropriate"[4] Many more amendments were suggested by him

1 The words 'grants should be given' in clause (1) of article 301 be substituted by the words 'grants should be made'

2 For the word 'and' in clause (1) of article 301 (line 10) the words 'as well as' be substituted

3 The words 'a report setting out' the facts as found by them and occurring in clause (2) of article 301 be substituted by the words 'a report thereon'

4 Deletion of the words 'together with a memorandum explaining the action taken thereon' in clause (3) of the draft article and addition of the

words 'for such further action as may be necessary' at the end

As regards (1) he stated that it was purely a verbal amendment and he left it to the collective wisdom of the Drafting Committee The second, he also left to them, after expressing his view that the meaning was better expressed by the phrase "as well as" than by the word "and" The third was with a view to securing "brevity and precision"[6] Referring to the fourth and last, he argued that it was not "wise" to regulate the manner of report to be submitted by the President to Parliament. The second part of this amendment was based on the argument that the Parliament, and not the President, should take any necessary further action[7]

B R Ambedkar, Chairman of the Drafting Committee suggested that the word Parliament occurring in clause 3 of the draft article be substituted by the words 'each House of Parliament'

Two more amendments, of which notice had been given by Thakur Das Bhargava (East Punjab General) were not moved by him, and instead he expressed a desire to speak on the article

At this stage, the article and amendments were thrown open to discussion by the President Both Thakur Das and Bhargava and Shibban Lal Saxena (United Provinces General) expressed support of the draft article

Thakur Das Bhargava described it as "the soul of the Constitution".[8] The aim of the article, he pointed out, was to "complete the process of bringing them (the backward classes) up to normal standards This article places upon the entire nation the obligation of seeing that all the disabilities and difficulties are removed and therefore it is really a character of the liberties of the backward classes "[9] Till such time as they reached "normal standards" facilities should be extended to them, the period of time should not be limited to a specific number of years However, on attaining this standard, they should then be taken away from the category of "backward classes"[10]

He further submitted that with reference to clause (1) of the draft article, which states that "The President may by order appoint, etc" he had given notice of an amendment to the effect that the word "may" be substituted by the word "shall".[11] He argued that even if the former was used, the President should be under the obligation to appoint such a Commission The word "may" therefore ought to be construed as "shall" He pointed out that the safeguard for minorities e g Muslims and Sikhs had now been taken away, the sole responsibility of Parliament being the scheduled castes and the backward classes He stated that the draft articles was only the material form of the objectives Resolution and gave only the mechanism by which such Resolution was executed He pleaded for a provision in the article that it would "apply not only to the communities for whom reservation has been made but also are all the same backward"[12]

Shibban Lal Saxena expressed the hope that the Commission which would be investigating the conditions of the backward classes throughout the country would be able to define the term "backward classes", since in spite of its use, it had not so far been defined anywhere in the Constitution

When the amendment were put to vote, all except the one suggested by Ambedkar, were negative The motion that draft article 301 as amended[13] be incorporated into the Constitution was carried As such it was subsequently renumbered as 340 and added to the Constitution.

1 VIII C.A.D 943

2 Ibid

3 Ibid

4 Ibid

5 Id at 944.

6 Ibid

7 See id at 945

8 Id at 946

9 Ibid

10 Ibid.

11 Ibid

12 Id at 947

13 The Drafting Committee at a later stage, incorporated the amendment suggested by H V Kamath that in clause 1 of draft article 301 "grants should be made" be substituted for 'grants should be given"

Venkataraman v *State of Madras and another*

AIR 1951 SC 229

Facts

The petitioner applied under Article 32, alleging infringement of his fundamental right to employment in the state service

The petitioner was a graduate in Mathematics He had also a B L degree for over seven years he had been practising as an Advocate

In 1949 the Madras Public Services Commission *invited applications for 83 posts of District Munsifs* in the Madras Subordinate Civil Judicial Services Out of 83 posts to be filled by direct recruitment, 12 were earmarked for persons holding certain classes of employment in the Madras Civil Judicial Deptt. The remaining 71 posts were to be filled up from among the official Receivers, Assistant Public Prosecutors and practising members of the Bar It was also notified that selection of candidates would be made from various castes, religions and communities in persuance of the rules set out in what was popularly described as Communal G Os , namely for Harijans 19, Muslims 5, Christians 6, Backward Hindus 10, Non-Brahmin Hindus 32 and Brahmins 11

It was admitted that the marks secured by the petitioner would have entitled him to be selected if the provisions in the Communal G O could be disregarded It was claimed that in the *viva voce examination too he did well*

The results published in 1950 listed the selected candidates (in respect of the remaining 71 posts) on the basis of each community Harijan 1, Muslims 7, Christians 4, Backward Hindus 13, Non-Brahmins Hindus 32 and Brahmins 4

The petitioner, thereafter, filed this petition, praying for an order declaring the rule of communal rotation, in pursuance of which selection to posts *of District Munsifs were* made, to be unconstitutional

Issue

Whether the Madras Communal G O by which reservation of posts in the State Services was made for various communities (not coming within the category of backward classes) according to their race, caste and religion, infringed the fundamental right guaranteed under Article 16

Judgment

A seven-judge Bench comprising Kania, C J, Fazl Ali, Patanjali Sastri, Mahajan, B K Mukherjea, S R Das and Bose JJ, held that the Communal G O was repugnant to Article 16 and therefore void and illegal

The Court's decision was based on the following grounds ·

(1) Equality of opportunity in public employment was guaranteed by Article 16(1) while Article 16(2) further guaranteed that there should be no discrimination as regards this matter only on the grounds of religion, race, caste, sex, descent, place of birth of residence Article 16 (3)—(5) provided the exceptions to this guarantee

(2) Ineligibility for a post only on the ground that a person belonged to a particular caste, religion, etc contravened Article 16(2)

(3) Article 16 (4) expressly permitted reservation of posts for backward classes, who were in the opinion of the State not adequately represented in the State services It did not permit reservation for those persons who did not belong to this category nor did it enable the State to reserve posts on Communal basis Any distribution of posts amongst communities having a fixed ratio infringed Art 16(1) and (2)

The Court concluded with the following words

"This ineligibility created by the communal G O does not appear to us to be sanctioned by cl (4) of Art 16 and it is an infringement of the fundamental right guaranteed to the petitioner as an individual citizen under Art 16 (1) and (2) This Communal G O in our opinion, is repugnant to the provisions of Art 16 and is as much void and illegal"

Proposition laid down

The Government cannot make reservations for posts under it amongst the various communities not coming in the category of "backward classes"

General Manager, S. Rly v *Rangachari*

AIR 1962 SC 36

Facts

The respondent, L K Rangachari filed a writ petition in the Madras High Court under Art 226 of the Constitution The High Court issued a writ of mandamus restraining the appellants, i e G M Southern Rly and Personnel Officer (Reservation) Southern Rly, from giving effect to directions of the Rly Board, ordering reservation of selection posts in Class III of the railway service in favour of Scheduled Castes and Tribes from persons already holding posts of court inspectors in class III, one of which was held by the respondent Following the issue of the writ, the appellant applied for and was granted a certificate under Art 132 (1) by the High Court as it involved a substantial question of law, namely scope of Art 16 (4)

Issues

(i) Whether the reservation under Art 16(4) could be made in the case of promotions or only at the stage of appointment only

(ii) Art 16 (4) speaks of only "backward classes" Whether the term "backward classes" included "Scheduled Castes and Tribes" as well The High Court on this matter had taken the view that the term did include Scheduled Castes and Scheduled Tribes There was no dispute about this before the Supreme Court

(iii) Whether retrospective operation could be given to an order of reservation

Majority Judgment

The Court by a majority of three to two reversed the decision of the Madras High Court and held that the reservation did not exceed the limits of Art 16 (4) and was accordingly valid

The majority was of the view that the term "matters of employment" in Art. 16(1) covered not only initial appointment but also promotions and such other matters as salary and periodical increments and terms of leave, gratuity, pension and age of superannuation Art 16(4) was an exception to Art 16(1) but there cannot be any exception even in regard to backward classes with regard to matters other than appointment and promotion. "Post" does not mean post outside services or ex-cadre posts Art 16 (4) covered both initial appointment and promotion The court also held that the reservation can be provided both retrospectively and prospectively The State should be satisfied before making representation that the backward classes are not adequately represented both quantitatively and qualitatively "The advancement of the socially and educationally backward classes requires not only that they should aspire to secure adequate representation in selection posts in the services as well"

The Court was also of the view that in exercising the power of reservation under Art 16(4) "an attempt must always be made to strike a reasonable balance between the claims of backward classes and the claims of other employees as well as the important consideration of the efficiency of administration "

The majority, therefore, allowed the appeal The decision of the Madras High Court was reversed and the respondent's application for writ was dismissed

Minority Judgment

The minority view of Wanchoo and Ayyangar JJ, however, held the reservation to be outside the limits of Article 16(4) and as such they were of the view that the appeal should be dismissed

Wanchoo J agreed with the majority judgment in that Article 16(4) was to be read together with Art 335 of the Constitution, and that the word "posts" in that clause referred to posts within the service and not to those outside the services However, he differed with the majority view that the word "posts" covered both selection posts and initial "appointments" and "posts" referred only to the initial appointment He observed

> "Reservation of appointments means reservation of a percentage of initial appointments to the service, Posts refer to the total number of posts in the service and when reservation is by reference to posts it means reservation of a certain percentage of posts out of the total number of posts in the services "

The conclusion that all appointments or posts could not be reserved under Art 16(4) who arrived at on the basis that it would be destructive of the fundamental right guaranteed under Art 16(1) Further Art. 16(4) was an exception to Art 16(1) and it could not be the intention of the Constitution-makers that it be so interpreted as to render nugatory the main provision It was pointed out that even reservation of a majority of appointments or posts under Art 16(4) though it would not completely destroy the fundamental right guaranteed by Article 16(1) it would, nevertheless, make it "practically illusory" which again could not be the intention of the Constitution-makers

Ayyangar J was in agreement with the view expressed by Wanchoo J, that reservation could be made only for the initial appointment and held that the appeal should be dismissed

He was in disagreement with the majority view which laid down that reservation under Article 16 (4) could be made either prospectively or retrospectively In his view the clause contemplated action only as regards the future He observed

> "If an inadequacy exists today, to give retrospective effect to the reservation, as the impugned notification has done, would be to redress an inadequate representation which took place in the past by an order issued today In my judgment that is not contemplated by the power conferred to reserve which can only mean for the future"

However, since this point had not been argued he did not rest his judgment upon it *Propositions laid down* Art 16 (4) covered both initial appointments and promotions The reservation can be made both retrospectively and prospectively

T Devadasan v India

AIR 1964 SC 179

Facts

The appeal was brought by the petitioner under article 32 of the Constitution challenging the instructions issued by the Government of India which in effect resulted in the carry forward rule which resulted in reservations of more than 50% vacancies being made in a particular year

The petitioner, a graduate, was an Assistant in grade IV of the Central Service since 1956, and became permanent on January 1, 1958 The next higher post was that of Section Officer (Assistant Superintendent) One of the three methods of recruitment to this post was by promotion from grade IV to Grade III on the basis of a departmental examination by the U P S C held at intervals This accounted for 30 per cent of the recruitment. Accordingly, a notification relating to the examination for promotion to be held in June 1960 was issued by the U P S.C on February 6, 1980 A reservation of 12½ per cent of vacancies for Scheduled Castes and 5 per cent for Scheduled Tribes was stated therein, but there was "carry forward" rule according to which unfilled reserved vacancies in the two years preceding the year of recruitment were to be added to these percentages The result was announced in April 1961. The U P S C recommended for appointment 16 candidates in unreserved vacancies and 28 candidates in reserved vacancies as per the prescribed percentage plus the carry forward quota Subsequently 2 more candidates from Scheduled Tribes were added to the latter The number of posts expected to be filled was stated to be 48 comprising 16 unreserved and 32 reserved, though the UPSC recommended only 30 for the latter category The Government, however, filled up only 45 of the vacancies, 29 of these from among candidates belonging to the Scheduled Castes and Tribes

The contentions of the petitioner were .

(1) The percentage of marks secured by him was 61 whereas some of the 29 Scheduled Castes and Tribes candidates secured as low as 35 He pleaded that the U P S C was not competent to prescribe one qualifying standard for them and another for the rest of the candidates

(2) If the Government of India and the U P S C had adhered to 17½% quota reservation for them, he would have stood a fair chance to get selected However, the reservation made in fact amounted to 65 per cent and was thus far in excess of that stated in the U P S C notification A reservation limitation of 17½% would have meant that only 8 vacancies could be filled by members of Scheduled Castes and Tribes, the remainder to other candidates by merit

(3) The "carry forward rule" relied upon by the U P S C and Government of India was unconstitutional

Subsequent to September 13, 1950 when the Government of India published a resolution indicating their policy relating to communal representation in the services, supplementary instructions were issued on January 28, 1952 which had the effect of adopting the principle of "carry forward" in the second and third year but not beyond that

The petitioner challenged these instructions He argued that article 16 (1) provides for equality of opportunity in matters relating to employment While conceding that under article 16 (4) the state can make reservation for any backward class, he urged that this reservation could not be so extensive as to nullify or destroy the right conferred by article 16 (1) He pointed out that according to previous decisions of the Supreme Court, art 16 (4) is "merely an exception to art 16(1), and being subservient to the latter, it could not be so interpreted as to render meaningless the main provision He further contended that art 16 (4) was to be read with art 335 of the Constitution, which while providing for claims of Scheduled Castes and Tribes reiterates the maintenance of efficiency in administration

The respondents claimed that the carry forward rule was valid, that it had been in force before the commencement of the Constitution and was continued after its commencement as a matter of public policy and for giving effect to provisions of the Constitution. As such the supplementary instructions were issued in 1952 They relied upon the provitions of Art 16(4) and art 335 in support of these

instructions They denied that the rule was a negation of equality before law and equal opportunity as regards appointment to posts under the State

Issue

1 The main question was whether the carry forward rule as modified in 1955 was unconstitutional as violative of article 16(1) or article 14 of the Constitution

2 The question also arose for consideration whether the impugned provision of reservation of posts for Scheduled Castes and Tribes offends article 16(4)

Majority decision

The majority of the 5 judges comprising S K Das, Acting C J, Raghubir Dayal, N Rajagopala Ayyangar and J R Mudholkar JJ (Subba Rao J dissenting) answered the main issue in the affirmative and held the modified carry forward to be invalid and unconstitutional

Mudholkar J, delivering the judgment of the court, was of the opinion that equality in Article 14 meant equality among equals The purpose of Article 16(4) was to ensure that backward classes (which included Scheduled Castes and Tribes) should not be unduly handicapped in matters relating to employment in the States The provision, therefore, contemplates reservation of posts in favour of such classes where they are not adequately represented in the services in the State As such a rule providing for such reservation cannot be said to have violated article 14 However, if such reservation was excessive so as to deny a reasonable opportunity for employment to members of other communities, any member of the latter could then complain of denial of equality by the State

As regards the contention of the petitioner that the carry forward rule violated article 16(1) because it permitted excessive reservation be referred to the court's ruling in *M R Balaji* v *State of Mysore* AIR 1963 SC 649 where it was pointed out

> " what is true in regard to article 15(4) is equally true in regard to Article 16(4) There can be no doubt that the Constitution-makers assumed, as they were entitled to, that while making adequate reservation under Article 16(4) care would be taken not to provide for unreasonable, excessive or extravagant reservation, for that would, by eliminating general competition in a large field and by creating widespread dissatisfaction amongst the employees, materially affect efficiency Therefore, like the special provision improperly made under Article 15(4) reservation made under Article 16(4) beyond the permissible and legitimate limits would be liable to be challenged as a fraud on the Constitution "

This would apply to the present case From the Balaji case it would appear that reservation of more than 50% of the vacancies would be violative of article 15(1)

In the present case, vacancies had been filled, 29 of which went to the reserved category as a result of the modified carry forward rule in 1955 The reservation, therefore, accounted for 64 4% of the vacancies filled This being the result of the carry forward rule, the court, basing its decision on Balaji held it to be bad It also relied on *General Manager, Southern Railway* v *Rangachari*, AIR 1962 SC 36

The court emphasized that the guarantee contained in Article 16(1) is to ensure equality of opportunity in matters relating to employment. To effectuate the guarantee each year of recruitment would have to be considered by itself and reservation for backward communities should not be so excessive as to create a monopoly or unduly disturb legitimate claims of other communities

Article 16(4) is in the nature of a proviso or exception to Article 16(1) It cannot be so interpreted as to nullify or destroy the main provision It was observed "To hold that unlimited reservation of appointments could be made under clause (4) would in effect efface the guarantee contained in clause (1) or at best make it illusory No provision of the Constitution or of any enactment can be so construed as to destroy another provision contemporaneously enacted therein . The over-riding effect of clause (4) on clauses (1) and (2) could only extend to the making of a reasonable number of reservation of appointments and posts in certain circumstances"

The court concluded that the petition succeeded partially, and the carry forward rule as modified in 1955 was invalid

Minority decision

The dissenting judgment of Subba Rao J on the other hand answered the main issue in the negative and held the carry forward rule to be constitutionally valid.

In his view article 335 had no bearing in construing article 16(4) It was, therefore, necessary to fall back upon article 16(4) alone to ascertain validity of the provisions made by the Government.

Article 14 laid down the general rule of equality. Article 10 was an instance of its application with special reference to opportunity of appointments under the State In his view article 16(4) was not an exception to article 16(1) He observed "If it stood alone all the backward communities would go to the wall in a society of uneven basis structure . They would not have any chance if they were made to enter the open field of competition without adventitious aids till such time when they could stand on their own legs That is why the makers of the Constitution introduced clause (4) in Article 16 The expression 'nothing in this article' is legislative device to express its intention in a most emphatic way that the power conferred thereunder is not limited in any way by the main provision but falls outside it It has not really carved out an exception, but has preserved a power untrammelled by the other provisions of the Article"

As regards the carry forward rule he observed

> "There are no merits in the contention that, the principle of 'carry forward' has resulted in the third year in the selection of candidates belonging to the Scheduled Castes and the Scheduled Tribes to a tune of 80 per centum of the total applicants for that year and, therefore, the selection amounted to distruction of the fundamental right If reservation was within the competence of the State, I do not see how the said fortuitous circumstances would affect the reservation so made
>
> The effect of the operation of the principle of 'carry forward' is practically the same Reservation made in one selection or spread over many selections is only a convenient method of implementing the provision of reservation. Unless it is established that an unreasonably disproportionate part of the cadre strength is filled up with the said Castes and Tribes, it is not possible to contend that the provision is not one of reservation but amounts to an extinction of the fundamental right. There is neither an allegation nor evidence in this case to that effect.
>
> If the provision deals with reservation which I hold it does—I do not see how it will be bad because there will be some deterioration in the stand and of service It is inevitable in the nature of reservation that there will be lowering of standards to some extent, but on that account the provision cannot be said to be bad Indeed, the State laid down the minimum qualifications and all the appointments were made from those who had the said qualifications How far the efficiency of the administration suffers by the provision is not for me to say, but it is for the State, which is certainly interested in the maintenance of standards of its administration"

He referred to the Balaji case In his view that case laid down no proposition as regards quantum of ever 50% reservation being unconstitutional He pointed out that

> "These general observations made in the context of admissions to colleges cannot, in my view, be applied in the case of a reservation of appointments in the matter of recruitment to a cadre of particulars service The doctrines of "destruction" of the fundamental right depends upon the entire cadre strength and the percentage reserved out of that strength Further, the expression used in the observations, viz, "generally" and "broadly", show that the observations were intended only to be a workable guide but not an inflexible rule of law even in the case of admissions to colleges"

Proposition laid down Even if reservations standing by itself in a particular year may not be unconstitutional on account of the reservations being not excessive (not more than 50%), but if such reservations added by the reserved seats under a carry forward formula results in making the reservations excessive in a particular year, they would become unconstitutional

Triloki Nath v State of Jammu & Kashmir

AIR 1967 SC 1283

Facts

Under Article 32, a petition was filed by two teachers for the issue of an appropriate writ to quash the orders of promotion of respondents 3 to 83 and to direct the first and second respondent, the State of Jammu and Kashmir and Director of Education, Jammu and Kashmir State, Srinagar respectively to promote them with retrospective effect to the cadre of gazetted teachers

Petitioner 1 and 2 were both teachers in government schools in the state, having entered the service in 1943 and 1952 respectively From time to time seniority lists were prepared by respondent 1 and a higher cadre was filled up by promotion of teachers from the lower grade as per the seniority list The last list prepared in 1961 gave the 1st and 2nd petitioner the serial numbers 104 and 140 respectively It was alleged that in effecting the promotions respondents 1 and 2 adopted the following basis

(1) 50 per cent were given to Muslims

(2) 60 per cent of the remaining 50 per cent were filled by Jamvi Hindus, and

(3) Remaining 40 per cent of the 50 per cent of the posts were given to Kashmiri Pandits, and sometimes one or two posts were given to Sikhs out of turn

Though such a basis was not the result of any order made by the state, it was arrived at by an analysis of the recruitments by promotion made by the state from time to time

It was contended by the petitioners that promotions were made not on grounds of merit and seniority but purely on the religion, caste and place of birth As a result, the two petitioners, who though senior in the Seniority list, were superseded by respondents 3 to 83 only on account of the fact that they happened to be Kashmiri Pandits while respondents to 83 were either Muslims or Jammu Hindus

The State in the counter-affidavit did not deny the manner of making promotions but supported the reservation on the ground the Muslims of the entire State and Hindus of Jammu province constituted "backward classes".

Issue

1. Whether Mohammedan of the entire State and Hindus of Jammu province are backward for purpose of article 16(4)

2 Whether percentage of reservations were reasonable?

Judgment

Subha Rao, J. delivered the judgment of the Court comprising J C Shah, S M Sikri, Ramaswami, C A Vaidialingam, JJ and himself

The Court referred to its earlier decisions in *H R Balaji* v *State of Mysore* AIR 1963 SC 649 and *R Chitralekha* v *State of Mysore* AIR 1964 SC 1823, where certain tests for ascertaining whether a particular class is backward or not had been laid down It was pointed out that though *Balaji* turned on the interpretation of article 15(4) the principles decided therein would apply equally to the instant case It reiterated the criterion, laid down therein *i e*, backwardness must be social and political and socal backwardness must be the result of poverty to a large extent

The Court then referred to *Chitralekha* and stated that it had accepted the criteria adopted by the Mysore government, that classification of backward classes should be made on the following conditions (i) Economic conditions, and (ii) Occupation Though the caste might be a relevant circumstances, yet it could not be the sole or dominant test

The contention of the government in the present case "that the sole test of backwardness under Article 16(4) is the inadequacy of representation in the services if accepted, would exclude the really backward classes from the benefit of the provision and confer the benefit only on a class of citizens who, though rich and cultural, have taken to other avocations of life"

As such the court prescribed two conditions to attract article 16(4) *i e*, "(i) a class of citizens is backward i e socially and educationally in the sense explained in Balaji's case and (ii) the said class is not adequately represented in the services under the State"

However, the court could not arrive at any conclusion on the material placed before it, and called for a report to be supplied by the High Court of Jammu and Kashmir, which contained further material, *e g* total population of entire states, break-up figure of the two provinces, the extent of social and economic backwardness of the different communities *etc*

Proposition laid down Merely inadequacy of representation of a class in the services of the State is not a criterion of backwardness Caste can be relevant factor but not the dominant one Economic conditions and occupations are important relevant factors While the state has necessarily to ascertain whether it is a justiciable issue and the court can examine whether the power has been abused by the State

Triloki Nath v. *State of Jammu and Kashmir*

AIR 1969 SC 1

Facts

The matter came up for hearing again after the High Court had submitted its report incorporating the required material as directed by the Supreme Court together with oral and documentary evidence produced by the parties There was, however, no formal order of the state making reservations of posts in favour of the backward classes The state still followed the policy of communal reservation as was struck down by the court in the *first Triloki Nath* case

Judgment

The judgment of the court comprising M Hidayatullah, C J J C Saha, S M Sikri, V Ramaswami and Bhargava, JJ was delivered by Shah, J

The court rejected the contentions of the State It held that for purposes of article 16(4) in determining whether a particular section forms a backward class, "a test solely based on caste, community, race, religion, sex, descent, place of birth or residence cannot be adopted" as it would infringe directly article 16(2) It pointed out that the normal rule contemplated by the Constitution "is equality between aspirants to public employment" However, in view of the backwardness of certain classes, the state could make some provision for reservation of posts for them But, in the present case, the reservation was not in favour of any backward class It was merely an instance of the distribution of the total number of posts or appointments on the basis of community or place of residence Such distribution was "contrary to the constitutional guarantee under Article 16(1) and (2) and is not saved by Clause (4)"

The court asserted that provision making reservation under Article 16(4) need not be by a statutory enactment an executive order or direction would suffice In the State scheme of distribution, however, there was not even a formal executive order The court did not consider it necessary to express its opinion on the question "whether a provision under Article 16(4) is not effective, unless it is made by legislation, or by an executive order formally established"

The promotions given to respondents 3 to 83 were declared by the court to be contrary to the provisions of Articles 16(1) and (4) and, hence, void It was, however, left open to the State to device a scheme which would be consistent with the constitutional guarantee for reservation of appointment to posts or promotions in favour of a backward class, which the state considered to be not adequately represented in the services

Proposition laid down A test solely based on caste, community, race, religion, sex, descent, place of birth or residence cannot be the criterion for backwardness An entire caste or community may be declared to be "backward" but this would not be because of their characteristic as a caste or community as such, but because they are backward at a given point of time in the social, economic and educational, scale of values The expression "backward class" is not synonymous with "backward caste" or "backward community"

Makhan Lal v. *State of J&K*

AIR 1971 SC 2207

Facts

This case occurred on the facts of *Triloki Nath* v *State of J&K* This petition brought under Article 32 showed the attempt made to circumvent the law laid by this court in *Triloki Nath* (AIR 1960 SC 1) where the state policy of community-reservation of seats was declared unconstitutional as violating Article 16 This case is hardly of any relevance in the matter of constitutional interpretation of Article 16 In the *Triloki Nath* though the court had stated that the state should prepare a scheme of reservations consistent with Article 16, no such scheme had been devised However, an ingenious device had been thought of by officers of the Education department to give ostensible effect to the court's decision in *Triloki Nath*, but really to continue the respondent-teachers whose promotions had become illegal in view of the decision in the *Triloki Nath* case in the same higher positions. As this was again violative of Article 16, the court struck down the promotions

Janki Pd v. *Jammu and Kashmir*

AIR 1973 SC 930

Facts

Three petitions were filed under article 32 as a sequal to the action taken by the State of Jammu and Kashmir as a result of the decision in Makhanlal *v* State of J&K The Jammu and Kashmir Scheduled Castes and Backward Classes Reservation Rules, 1970 were framed. This listed the criteria applicable for including a person within the definition of "backward classes"

The petitioners had filed these petitions seeking to set aside the promotions granted to the respondent teachers They claimed that despite seniority, and having officiated as Head Master for some years they had been deliberately dropped in favour of the respondents who were junior They alleged that the old communal proportion was being still maintained They claimed that though some posts had been reserved for backward classes under the Rules, it was merely an exercise to secure about 90% of the posts to Muslims

Issue

1 Scope of the expression "backward class" of citizens under article 16(4)

2 Whether J&K Scheduled castes and Backward Classes Reservation Rules of 1970 are unconstitutional and violated article 16(4)

Judgment

The petition came up for hearing before a 5 member Bench comprising S M Sikri, C J A N Ray, D G Palekar, M H Beg and S M Dwivedi, JJ Speaking for the court Palekar, J observed that the expression "backward class of citizens" in article 16(4) was identical in meaning with the expression "any socially and educationally backward class of citizens" in article 15(4) He emphasised that merely educational backwardness or socially backwardness alone would not suffice to render a class of citizens backward To constitute, backwardness both elements i e social and educational backwardness must be present.

The court noted

> Though the two words 'socially' and 'educationally' are used cumulatively for the purpose of describing the backward class, one may find that if a class as a whole is educationally advanced, it is generally also socially advanced because of the reformative effect of education on that class

The Court exhaustively reviewed the rules whether the classification made by the State was correct or not The rules framed by the Government were based on the recommendations of the Backward classes committee appointed by the State Government under the chairmanship of J N Wazir, retired Chief Justice of Jammu and Kashmir High Court, which had submitted its report in November 1969 The rules had classified backward classes into six categories as follows

(1) Certain specified traditional occupations

(2) 23 specified social castes

(3) Small cultivators

(4) Low paid pensioners

(5) Residents in the area adjoining the ceasefire line

(6) Some areas in the State as "bad pockets" and every person belonging to that area regarded as backward

The Supreme Court found fault, partly or wholly practically with all these categories It has been thought appropriate by us to reproduce fully the analysis of the court on this aspect instead of making an attempt to summarise it The photostat copy of the relevant extracts of the judgment is appended

27 The Jammu and Kashmir Scheduled Castes and Backward Classes Reservation Rules, 1970 are comprised of 5 parts Part 1 contains 6 chapters and rule 3 says that the permanent residents of the State belonging to the categories of persons in these six chapters are declared as socially and educationally backward classes of citizens Chapter I enumerates occupations which are regarded as traditional occupations and Rule 4 says that every person whose traditional occupation is one of the 62 mentioned therein must be regarded as a person

belonging the backward class Chapter II mentions 23 social castes and persons belonging to these social castes are regarded as backward Chapter III describes small cultivators as backward Chapter IV groups low paid pensioners as backward Chapter V puts residents in an area adjoining the ceasefire line in the backward class Chapter VI specifies some areas in the State as "bad pockets" and every person belonging to that area is to be regarded as belonging to that area is to be regarded as belonging to the backward class We are not directly concerned with the other parts of these rules Objection is taken by Mr Sen on behalf of the petitioners to the several types of backward classes designated under the rules and also to the peculiar manner in which the definitions have been framed

28 Chapter I gives the class designated by traditional occupation In all, about 62 occupations have been identified as traditional They follow closely the classes designated as traditional occupational classes by the Committee in Chapter XIV of its report In para 124 the Committee has stated that with a view to sorting out backward classes from others the claim of each and every occupational and industrial category listed in the census report of 1961 had been carefully examined and it is obvious that the list of traditional occupations is made as exhaustive as possible A class can be identified on the basis of traditional occupation A traditional occupation means an occupation followed in a family in which it is handed down by an ancestor to his posterity If there is a section of the population following an occupation of that description that section can be regarded as a class Such occupations are generally occupations in which some special skills are necessary like those of an artisan or a craftsman It is contended by Mr Sen that though 62 occupations have been mentioned as traditional occupations a good many of them are not really traditional occupations and with regard to others there has been no investigation in depth as to whether they are traditional occupations or not It is also contended by him that the definition of traditional occupations given in the rules actually distorts the whole picture because whether the father of the person claiming reservation follows the traditional occupation or not, he becomes entitled to be considered as of the class if his grandfather did

29 There is no doubt that a large number of ocupations mentioned in the list is capable of being followed as a traditional occupation But some of them, at least, do not deserve to be called traditional occupations Take for example an "agricultural labourer" We have grave doubts if agricultural labour can be regarded as a traditional occupation The occupation is seasonal and, as is well-known, it is the last refuge of the landless unskilled labourer who has no other source of employment in the rural community Indeed, if any one deserves special consideration it is the agricultural labourer, but the objection is to its identification as a traditional occupation An agricultural labourer is just a labourer whose services are utilised wherever unskilled labour is required In fact, he is the source material for hamals and the like-occupations which merely require physical strength and capacity to work Similarly it would be difficult to say that the following occupations are traditional occupations

(5) Bearer, boy, waiter,
(7) Book binders,
(11) Cook,
(20) Grass seller,
(21) Hawkers, pedlars,
(23) Load carriers,
(29) Old garment sellers,
(48) Watch repairers,
(51) Grocers in rural areas,
(53) Milk-sellers in rural areas,
(58) Vegetable sellers in rural areas,
(62) Drivers of Tongas and other animal driven vehicles

All these occupations do not require special skills developed by traditions and can be resorted to by anybody with the requisite resources Then again, at serial Nos 34 and 56 we have a category of priestly classes who, though following a traditional profession can hardly be regarded as socially and educationally backward We, therefore, think that there must be a proper revision of the traditional occupations to fall properly under rule 4

30 But the most serious objection is to the artificial definition given in rule 2(1) The traditional occupation in respect of a person means the main occupation of his living or late grandfather and does not include casual occupation This would mean that if a person wants the special advantage as a member of the back ward class it is enough for him to show that his grandfather was following a traditional occupation

His father may not be following the traditional occupation at all He might have given it up to follow some other occupation or trade It is not enough, it is contended, that a traditional occupation was followed by the grandfather but that the occupation should have descended to his son also so that at the date when the grandson is asking for the benefit of reservation the traditional occupation must be still in the family and continues to be the living of the family There is great force in this contention If the father of the person who claims special treatment under Articles 15(4) and 16(4) has given up his low income occupation and become a trader or a Government servant it will be wrong to give the person the special benefit merely on the ground that his grandfather was following a certain traditional occupation It was against such misuse that the Committee had issued a warning in para 129 of its report It observed

> "While making the foregoing provisions every possible care should be taken by the State to ensure that the benefit of such provisions is availed of only by those who are *bona fide* members of the classes declared backward and not by imposters" As already stated it is quite open to the State to declare that persons belonging to low income families following a traditional occupation should be regarded as person belonging to a backward class if, on the whole, that class is socially and educationally backward But it is equally essential that at the time when a person belonging to that class claims the special treatment his family must be still following the traditional occupation Since the rule does not completely ensure this it is likely to be abused and the real person for whose benefit the rule is made will not get the benefit The rules, therefore, pertaining, to traditional occupations must be suitably revised

31 Chapter II deals with some 23 low social castes The Committee in Chapter XIII had identified the first 19 out of them and stated that these castes are considered inferior in society as the service which they render carry a stigma in it They suffer from social disabilities and both educationally and economically they are extremely backward The last four castes in rule 5 have not been mentioned in chapter XIII of the report. It is not also known on what basis they have been included as socially and educationally backward There may be good reasons for the State Government to do so but we have no material before us As at present advised, therefore, we are not prepared to proceed on the basis that serial Nos 20 to 23 are backward classes

32 Chapter III identifies cultivators of land with small holding as a backward class The limits of his holdings differ according to the type of land cultivated and the region in which such land is situated The cultivator may be an owner or a tenant He may even be a non-cultivator provided he wholly depends on land for his livelihood The cultivator is designated as a class on the basis of the recommendations made by the Committee in chapter XII of its report The reasons given by the Committee go to show that the overriding consideration was economic A class, as already observed, must be a homogeneous social section of the people with common traits and identifiable by some common attribute All that can be said about the cultivators is that they are persons who cultivate land or live on land and the simple accident that they hold land below a certain ceiling is supposed to make them a class In such a case the relevance of social and educational backwardness takes a subordinate place In some areas as in Kashmir Valley the ceiling for a cultivator is 10 Kanals of irrigated land If a cultivator holds 10 Kanals of land or less he is to be regarded as backward, *ie*, to say socially and educationally backward But if his own brother living in the same village owns half a kanals more than the ceiling he is not to be considered backward This completely distorts the picture It will be very difficult to say that if a person owns just 10 kanals of land he should be considered socially and educationally backward while his brother owning half of a kanal more should not be so considered The error in such a case lies in placing economic consideration above considerations which go to show whether a particular class is socialy and educationally backward The same error is repeated in Chapter IV wherein the dependent of a pensioner is supposed to belong to the backward class if such pensioner had retired from certain Government posts mentioned in Appendix I and if the maximum of the scale of pay of these posts did not exceed Rs 100 p m They also included defence service pensioners of the ranks of Sepoy, Naik, Havildars etc This again is based upon the recommendation of the committee which in chapter XI of the report says "Among others, representatives of the pensioners also called on the committee and

explained the difficulties faced by them because of being in receipt of a meagre income in the shape of pensionary emoluments The memorialists contended that they cannot keep pace with the ever rising price index as rates of pension have remained static and have not been enhanced as is being done from time to time in the case of Government servants in regular service It was further argued that they could ill afford to spare any part of their meagre earnings for the education of their children" The Committee felt that these pensioners deserve on these grounds to be shown consideration as backward classes because most of them held class IV or similar posts. Ex-servicemen who fall in this class are about 90,000 and civil posts pensioners are about 15,000 It is difficult to say that these pensioners are a class in the sense that they are a homogeneous group They are an amorphous section of Government Servants who by the accident of receiving Rs 100 or less as pay at the time of retirement or being ex-servicemen of certain graded are pushed into an artificially created body It may be that they belong to class IV or similar grade service of the State But that is not the test of their social and educational backwardness In days when sources of employment were few, many people, though socially advanced, might have accepted low paid jobs Some of them may have failed to make the educational grade and were hence forced by necessity to accept such low paid jobs Some others might have pre-maturely retired from posts carrying the scale referred to above The accident, therefore, that they belong to a section of Government servant of certain category is no test of their social backwardness The test breaks down if the position of a brother of such a pensioner is considered If the brother also a Government servant, has the misfortune of retiring when holding a post the maximum of which was Rs 105 he was liable to be regarded as not socially and educationally backward, when in all conscience, so far as the two brothers are concerned, they remain on the same social level Another brother who is privately employed and retires from service without any pensionary benefits would not be entitled to be classed as backward under the test These anomalies arise because of the artificial nature of the group created by the Committee If all the brothers are socially and educationally backward, you will be differentiating between them by calling some more backward and others less backward, a thing not permitted by Balaji's case, 1963 Supp (1) SCR 439 (AIR 1963 SC 649) There is, therefore, substance in the contention of Mr Sen that the Committee has created these two artificial groups of "cultivators" and pensioners for the purpose of affording certain benefits under the Constitution instead of identifying socially and educationally backward classes

33 Chapter V & VI of the Rules identify residents of certain areas as backward In chapter V the residents of certain villages mentiond in Appendix II are considered as backward, these villages being within five miles of the ceasefire line In Chapter VI some areas in the State are regarded as "bad pockets" and all the residents of those areas are stated to be backward These two chapters incorporate the recommendations made by the Committee in Chapter X and IX respectively of the report Chapter IX relates to "bad pockets" 10 such bad pockets have been identified by the Committee and cover 696 villages in certain Districts and Tehsils far away in the interior The population of these areas according to 1961 census was about three lakhs. The Committee reports as follows —

> "There are, for instance well known rather notorious backward areas which have to be treated differently from the rest of the state There are others which because of difficult terrain In accessibility and absence of vehicular communications still retain their primitive character There are still some others which suffer from deficient production on account of soil being rocky and sandy and irrigation facilites being scanty and inadequate Besides, there are areas where due to non-availability of electric power, industrial development even on the scale of cottage industry had yet to come into existence There are certain areas which combine all or some of these characteristics "

Ten such pockets were then examined in detail and the Committee came to the conclusion that owing to lack of communication, inaccessibility, lack of material resources and the like the residents of these areas are living in almost primitive conditions and they are all socially and educationally backward The civilizing influence of modern life is yet to reach them These areas are carefully mapped. They are situated in the recesses of inaccessible mountains which have primarily led to the residents therein being almost in a primitive state The population is about 8% of the total population of Jammu & Kashmir and in our opinion, there is no serious difficulty in regarding the residents of these areas being backward. Similar

consideration apply to areas adjoining the ceasefire line They comprise about 179 villages with a population of about a lakh The diffculties of their situation near the ceasefire line for the last 25 years seem to have contributed to this area being cut of from the main stream of life The Committee noticed that the difficulties inherent in the living conditions in these areas had inevitably lead the inhabitants of these areas living in economic and educational backwardness There are restrictions on their free movement and they have to remain indoors after sun set The male members cannot leave their villages in search of livelihood elsewhere for fear of their wives and children being left behind unprotected The land is unproductive, no investments could be made in the land because of the nearness of the ceasefire line Raids accompanied by cattle lifting and damage to property are not uncommon Loss of life also takes place occasionally The inhabitants find it equally difficult to pursue their traditional arts and crafts The effect of all these contributory factors have kept these areas, in so far as social and educational progress is concerned, very much behind the rest of the State We thus find that special reasons have been given by the Commitee why it considered these areas socially and educationally backward and since the classification is made merely on the ground of place of birth, we do not think that there is any serious objection to regard the residents of the bad pockets and the ceasefire areas as socially and educationally backward But rules 10 and 12 have been so framed that the advantage is likely to be misused by imposters A person wanting the advantage of reservation would be regarded as belonging to these areas if his father is or has been resident of the area for a period of not less than 10 years in a period of 20 years preceding the year in which the certificate of backwardness is obtained The rules do not insist that either the father or the son should be a resident of the area when the advantage is claimed Nor does it require that the son should have his earlier education in these areas to ensure that he and his father are permanent residents of that area Any trader or Government servant from outside who is residing for about 10 years in these areas within 20 years of the date when the advantage is claimed would be entitled to be regarded as belonging to the backward class In order that the benefit may go to the residents of these areas, Government ought to frame rules with adequate safeguards that only genuine residents will get the advantage of special reservations and not the outsiders As the rules stand, outsiders, who, in the course of their trade or business happened to live in these areas for 10 years out of past 20 years would be able to claim the benefit. This loophole must be plugged and till that is done the production of a certificate from the Tehsildar as to the backwardness of any person would be of little value

34 We have shown above the defects in the rules which purport to identify certain residents of the State as backward Till the defects are cured the rules are not capable of being given effect to

35 In view of the above findings the selections made by Departmental Promotion Committee have to be set aside

C. A Rajendran v Union of India and others

A I R. 1968 S C 507

Facts

The petitioner obtained rule from the Supreme Court calling upon the respondent to show cause why a writ in the nature of mandamus under Article 32 should not be issued for quashing the office Memorandum of 1963 and restoring the orders earlier passed in office Memorandum in 1955 and 1957

The petitioner was a permanent assistant in Grade IV, *i e*, Class III, non-gazetted ministerial of the Railway Board Secretariat Service The next higher post, to which he claimed promotion, was that of Section Officer, classified as Class II, Grade III

The Government in 1955 issued an office Memorandum whereby as regards posts to be filled by promotion there was to be no reservation for Scheduled Castes and Scheduled Tribes, though certain concessions were to be granted A further Memorandum in 1957 decided on a 12½ per cent reservation for Scheduled Castes and 5 per cent for Scheduled Tribe

In Southern Rly v Rangachari (AIR 1962 SC 36) this Court had by a majority judgment held the impugned circulars of the Railway Board to be within the ambit of Article 16(4) and as such allowed the appeal.

Consequent to this judgment, the Union Government in 1963 reviewed the matter and decided that there should be no reservation of post for promotion to classes II and I where such promotions were the result of seniority and competitive examination However, the reservation in favour of backward classes was to continue in respect of class III and IV posts The petitioner assailed this order on the ground that discontinuance of reservation in respect of class I and II posts directly infringed the fundamental right guaranteed to the backward classes by article 16 (4)

Issue

Whether a Constitutional duty is imposed on Government by article 16 (4) to make reservation in favour of backward classes

Judgment

The matter came up before K N Wanchoo, C J R S Bachwat, V Ramaswami, G K Mitter, and K S Hegde, JJ

The Court decided the issue in the negative, and held there was no such constitutional duty Ramaswami, J delivering the judgment of the Court, observed that article 16 (4) did not confer any fundamental right on backward classes as regards reservation of posts, whether it be at the stage of recruitment or promotion It was only an enabling provision which conferred "a discretionary power on the State to make a reservation of appointments in favour of backward class of citizens which in its opinion is not adequately represented in the service of the State" (p 513) In making reservations for appointments or posts the Government has to take into account not only the claims of the members of the backward classes but also the maintenance of efficiency of administration which is of paramount importance

The Court held that the petitioner's writ petition failed, and the Government order was valid

Proposition laid down It is discretionary with the Government to provide for reservations Even if by an earlier order the Government adopted a policy of reservations it could give it up by a subsequent order

State of Punjab v *Hiralal*

AIR 1971 SC 1777

Facts

In September 1963 the Government of Punjab reserved some higher posts for the scheduled castes, scheduled tribes and backward classes Further clarification on this order was issued by a letter in March 1964

Respondent Nos 1 and 3 were working as Head Assistants in the Forest Department of the Government of India Resp 1 was senior to resp 3 who belonged to a scheduled caste As a result of the government order, respondent 3 was temporarily promoted as Superintendent, ignoring the claim of resp 1 As such, aggrieved by the order, resp 1 moved the Punjab High Court to quash the promotion of resp No 3, and for his own promotion to that post The High Court quashed the promotion The State appealed

In the opinion of the High Court, reservation for backward classes was not impermissible in view of article 16(4) as interpreted by the Supreme Court in The General Manager, Southern Rly *v* Rangachari AIR 1962 SC 36 But the Government had violated art 16(1) by reserving the first out of a group of 10 posts for such classes It held that such reservation could lead to various anomalies *e g* person who benefitted might be able to jump over the heads of several senior

Issue

Whether the reservation made under art 16(4) offends art 16(1)

Judgement

The matter came up for hearing before J C Shah C J, K S Hegde and A N Grover JJ The Court speaking through Hegde J upheld the State's appeal and held that the reservation did not violate art 16(1) It was pointed out that "the mere fact that the reservation made may give extensive benefits to some of the persons who have the benefit of the reservation does not by itself make the reservation bad" (p 1780) The court noted that every reservation under art 16(4) did introduce an element of discrimination particularly as regards matters of promotion An inevitable consequence of such reservation was that junior officers were allowed to steal a march over their senior officers Some of them might get frustrated "but then the Constitution makers have thought fit in the interests of the society as a whole that the backward class of citizens in this should be afforded same protection " (p 1781)

It concluded that there was no material before the High Court and no material before it from which the conclusion could be reached that the order violated art 16(1) "Reservation of appointments under Article 16(4) cannot be struck down on hypothetical grounds or on immaginary possibilities He who assails the reservation under Article must satisfactorily establish that there has been a violation of Article 16(1)"

Proposition laid down

The mere fact that the reservations made may give extensive benefits to some of the persons who had the benefit of the reservations does not by itself make the reservation bad Similarly the length of the leap is immaterial and it depends upon the gap to be covered (e g a person in the reserved category having 73rd position in the list prepared for promotion, could get precedence over the 72 others if there is a single post to be filled up and that post belongs to the reserved category)

State of Kerala v *Thomas*

AIR 1976 SC 490

Facts

The appeal was brought by the State of Kerala against the decision of the High Court, and concerned the validity of Rule 13AA of the Kerala State and Subordinate Services Rules, 1958, and two orders

The respondent was a Lower Division Clerk in the Registration Department Under Rule 13A of the Services Rules promotion from this cadre to the higher cadre of upper division clerks on the basis of seniority depended on passing the prescribed test within two years Rule 13AA and the two orders dated 13 January 1972 and 11 January 1974 had the effect of granting scheduled castes and scheduled tribes a longer period for passing the test, *viz*. two extra years The respondent's grievance was that in view of this concession to members of Scheduled Castes and Scheduled Tribes, they were able to obtain promotions earlier than him though they had not passed the tests

In the High Court the respondent's main contentions were that Rule 13AA of the Service Rules and the orders for promotion made thereunder were violative of articles 16(1) and 16(2) Further, apart from article 16(4), which is an exception to article 16(1) the right guaranteed under 16(1) could not be curtailed The State, on the other hand, contended that the impugned rule and orders were not only legal and valid but also supported a rational classification under article 16(1)

The High Court upheld the contentions of the respondent that Rule 13AA was discriminatory and violative of Art 16(1) of the Constitution and was also beyond the reservation permitted by art 16(4)

Before the Supreme Court, the appellant contended that firstly the Rule 13AA did not provide for reservation as provided by article 16(4) As such the High Court had erred in striking down the Rule on the ground that it was beyond the reservation permitted by article 16(4) Secondly, members of the scheduled castes and tribes were members of one caste, who for historical reasons constituted by themselves a special class, and the Constitution itself had accorded them an exalted status. As such, Art. 16(1) did not prevent the State from making reasonable classification, so as to boost up members of the Scheduled Castes and Tribes by granting them certain concessions to implement the service

The Supreme Court by a majority of five out of seven upheld the appeal

Issues

1 The main issue was whether Rule 13AA and the two orders were unconstitutional as violating article 16(1) 2 Incidentally, the question arose for consideration as to whether article 16(4) is an exception to article 16(1)

Majority Judgment

As to whether Rule 13AA and the two orders were uncontitutional as violating article 16(1), the majority view answered this main issue in the negative and held them to be not unconstitutional

Ray C J expressed the view that article 16(1) permits reasonable classification in a manner similar to that of article 14 *i e*, where there is a nexus to the objects to be achieved As such the classification of members of Scheduled Castes and Tribes under Rule 13AA which exempted them from passing the special tests for promotion was "just and reasonable having rational nexus to the object of providing equal opportunity for all citizen in matters relating to employment or appointment to public office" He noted that the granting of such temporary exemptions to this class dated back to 1 November 1956 the date of inception of service conditions in Kerala Rule 13AA now merely gave it a statutory basis The historical background, therefore, justified the classification made under the Rule The Constitution itself, makes a classification of scheduled castes and scheduled tribes in various provisions to accord them favoured treatment Art 335 in particular gives a mandate that their claims should be considered in matters of employment consistent with maintaining administrative efficiency He pointed out that without providing the exemption for a temporary period under Rule 13AA, adequate promotion to them would not have been possible The seniority principle in promotion was however, still adhered to The temporary relaxation under the Rule was

warranted by their backwardness and inadequate representation in the State services As such the impugned Rule and the two orders made thereunder came within the ambit of article 335, since they claimed to redress an imbalanced public service and to achieve parity among all communities in the public services The test of efficiency in administration was not impaired by the Rule in as much as it did not after promotion exempt from passing the test altogether but only for a further period of two years If article 14 permits classification, article 16 equally permits it since both lay down equality To achieve "equality of opportunity" in services under article 16(1) the State could adopt all legitimate methods Article 16(1) permitted classification on the basis of object and purpose of law In the present case, such classification was justified in as much as it enabled members of Scheduled Castes and Scheduled Tribes to find adequate representation in the services by promotion to a limited extent. A differential treatment was given to them only from the point of view of time "for the purpose of giving them equality consistent with efficiency"

For the foregoing reasons he upheld the validity of Rule 13AA and the two orders as constitutional and not violating article 16(1)

Mathew J, stressed compensatory state action in addition to reasonable classification He was of the view that "though complete identity of equality of opportunity is impossible measures compensatory in character and which are calculated to mitigate surmountable obstacles to ensure equality of opportunity can never incur the wrath of Article 16(1)"

Like Ray, C J he too referred to Article 335 which enable memebers of Scheduled Castes and Tribes to claim adequate representation in the State services consistent with maintenance of efficiency He traced the idea of "compensatory state action" to the Supreme Court of United States and saw "no reason why this Court should not also require the state to adopt a standard of proportional equality which takes account of the differing conditions and circumstances of a class of citizens "

To ensure "equality of opportunity" the state could adopt any measure to enable members of the Scheduled Castes and Scheduled Tribes to have adequate representation in the services "and justify it as a compensatory measure" provided it did not dispense with the consideration of efficiency of administration.

He agreed with Ray C J that article 16(1) permits of classification in a manner akin to article 14, and that the classification in favour of Schedule Castes and Tribes made in Rule 13AA had a "reasonable nexus with the purpose of the law, namely to enable the members of the Scheduled Castes and Scheduled Tribes to get them due share of promotion without impairing the efficiency of administration"

He agreed with the conclusion of Ray C J and allowed the appeal

Krishna Iyer J too stressed "reasonable classification" under article 16(1) as in article 14 and referred to article 335 He observed

> "In the present case, the economic advancement and promotion of the claim of the grossly under-represented and pathetically neglected classes, otherwise described as Scheduled Castes and Scheduled Tribes, consistently with the *maintenance of administrative efficiency, is the* object constitutionally sanctioned by Article 46 and 335 and reasona bly accommodated in Art. 16(1)"

He cautions that not all caste backwardness is to be recognised in this formula, as it would be subversive of both art. 16(1) and (2) To serve as foundation for legitimate discrimination, the social disparity must be grim and substantial Only the Scheduled Castes and Scheduled Tribes constituted such a class Any other caste getting exemption from Art 16(1) and (2) by exerting political or other pressure would run the risk unconstitutional discrimination

He concluded by concurring with the Chief Justice, but "with the admonition that no caste, however, seemingly backward can be allowed to breach the dykes of equality of opportunity guaranteed to all citizens"

Fazl Ali J too stressed the concept of "reasonable classification" He observed

> "Clause (1) of Art 16 clearly provides for equality of opportunity to all citizens in the services under the State This can be achieved by making a reasonable classification so that every class of citizens is duly represented in the services which will enable equality of opportunity to all citizens"

As regards Rule 13AA he was of the view that the State's action in incorporating Rule 13AA did not violate the mandate in Art 335 as contended by the respondent and other promotees He was satisfied that the concession provided in Rule 13AA

amounted to a reasonable classification under article 16(1) and not violative of it.

He cautioned that the Court "has to apply strict scrutiny to the classificaion made by the Government and to find out that it does not destroy or fructify the concept of equality In other words, the State cannot be permitted to invoke favouritism or nepotism under the clock of equality"

In this particular case he was satisfied that the classification made by the government by incorporating Rule 13AA was fully justified under Article 16

Beg J, however, justified Rule 13AA and the orders as "partial or conditional reservation" under article 16(4) He pointed out that if this article could include complete reservation of higher posts to which promotion might take place, there was no reason why it could not be partial or "hedged round with the condition that a temporary promotion would operate as a complete and confirmed promotion only if the temporary promotee satisfies some tests within a given time"

If the Rule and orders could be viewed as qualified or partial or conditional reservation which satisfied the requirements of substantial equality in keeping with Article 335, and met the demands of equity and justice looked at from the points of view of Art. 46, they would, in his view be also justified under Article 16(4) of the Constitution

He distinguished the cases of T Devadasan *v* union of India AIR 1964 SC 179, M R Balaji, *v* State of Mysore, AIR 1963 SC 649 which laid down tests for absolute or complete reservation under article 16(4) on the ground that in the present case there was only a "partial of temporary or conditional reservation"

He was not satisfied that the High Court's decision that the impugned rules and orders fell outside the purview of art. 16(4) was substantiated In his view the respondent's petition ought to have been dismissed on the ground that he had failed to discharge "the burden of establishing a constitutionally unwarranted discrimination against him" Accordingly, he allowed the appeal

Minority judgment

The dissenting judgment of two judges. on the other hand, answered this issue in the affirmative and held the Rule to be violative of article 16(1)

Khanna J emphasised that article 16(1) ensures equality of opportunity in matters of employment It applies to all equally—the least deserving and the most virtuous Preferential treatment accorded to some "would be anti-thesis of the principle of equality of opportunity" Equality of opportunity under this article is not "abstract or illusory" to be "reduced to shambles under some cloak" Exemption granted to a class, however, limited, would be tantamount to according to that class a favoured treatment He further observed

> "To countenance classification for the purpose of according preferential treatment to persons not sought to be recruited from different sources and in cases not covered by clause (4) of Article 16 would have the effect of eroding, if not destroying altogether, the valid principle of equality of opportunity enshrined in clause (1) of Article 16"

He pointed out that to overdo classification was to undermine equality as in the case of Art 16(1) Introduction of fresh notions of classification in this article, as was being sought to done in the present case, would "have the effect of vesting the State under the garb of classification with power of treating sections of population as favoured classes for public employment." (p 509)

He concluded that the Rule and orders were not constitutionally permissible under article 16(1) because apart from the fact that it would violate the principle of equality of opportunity under that article, "it would also in effect entail overruling of the view which has so far been held by this court in the cases of *Champakam* (AIR 1951 SC 226) *Rangachari* (AIR 1962 SC 36) and *Devadasan* (AIR 1964 SC 179) The State had ample power under article 16(4) to safeguard the interests of the backward classes Failure on its part to do so, in his opinion did not justify a strained construction of article 16(1)

Gupta J while agreeing with Khanna added a few words on one aspect of the issue

He admitted that article 16(1) permits classification, but only that which is reasonable In his view the sub-division of lower division clerks into two categories—those belonging to Scheduled Castes and Tribes and those who did not was not reasonable He observed

> "In the context of Article 16(1) the sub-class made by Rule 13AA within the same class of employees amounts to, in my opinion, discrimination only on grounds of race and caste which is forbidden by clause (2) of article 16"

Is article 16(4) an exception to article 16(1)?

Majority followed the dissent of Subba Rao J in Devadasan and held article 16(4) is not an exception to article 16(1)

Ray C J observed that article 16(4) merely "classifies and explains that classification on the basis of backwardness does not fall within Art 16(2) and is legitimate for the purposes of Article 16(1)" He concluded that article 16(4) only "indicates one of the methods of achieving equality embodied in Art 16(1)"

Mathew J held the view that "equality of opportunity" visualised in article 16(1) could be measured only by equality attained in the result and not merely as a result of numerical or literal equality He observed

> "I agree that Art 16(4) is capable of being interpreted as an exception to Article 16(1) if the equality of opportunity visualised in Article 16(1) is a sterile one, geared to the concept of numerical equality which takes no account of the social, economic, educational background of the members of Scheduled Castes and Scheduled Tribes If equality of opportunity guaranteed under Article 16(1) means effective material equality then Article 16(4) is not an exception to Article 16(1) It is only an emphatic way of putting the extent to which equality of opportunity could be carried *viz*, even upto the point of making reservation" (p 519)

Krishna Iyer J held that article 16(4) was not an exception to article 16(1) but an emphatic statement It served merely as a mode of "reconciling the claims of backward people and the opportunity for free competition the forward section are ordinarily entitled to' To support his view, he cited Subba Rao J's dissenting opinion in *Devadasan*

He pointed out that though it was true that it might be loosely said that Art 16(4) is an exception but on closer examination it can be seen to be "an illustration of constitutionally sanctified classification" It is not "a saving clause but put in due to the over-anxiety of the draftsman to make matters clear beyond possibility of doubt"

Fazl Ali J viewed article 16(4) as an explanation containing an exhaustive and exclusive provision regarding reservation which is one of the forms of classification, other forms of classification being permissible under article 16(1) Article 16(4) making provision for reservation overrides article 16(1) to that extent and no reservation could be made under article 16(1) He disagreed with the view earlier taken by this court that clause (4) is an exception to article 16(1), for the following reasons

Firstly, assuming it to be an exception, the only conclusion would be that classification under article 16(1) would not be permissible because article 16(4) has expressly provided for it. This was contrary to the basic concept of equality under article 14 which permits of classification in any form subject to certain conditions Secondly, if classification under article 16(1) could not be made except the reservation contained in article 16(4), it would defeat the mandate contained in article 335

The minority Judgement of Khanna, Gupta and Beg JJ, however, raised serious objections to the majority view that art 16(4) constituted an exception to art 16(1)

Khanna J put forwarded the argument that the *non-obstante* clause in article 16(4) indicated that reservations would not have been permissible for the backward classes had it not been for this provision Further if art 16(1) permitted special treatment, there was no necessity of incorporating art 16(4) He pointed out that if inroads were allowed into the equality notion beyond what was permissible under art 16(4), it would mean that "ideals of supremacy of merit, the efficiency of services and the absence of discrimination in sphere of public employment would be the obvious casualties" (p 512)

Beg and Gupta JJ's views on this aspect were more or less similar

In a nutshell, in the opinion of these three judges, the aim of article 16(1) is to safeguard the claims of merit and efficiency It could not, by itself, have been intended to remove socio-economic inequalities

Proportion laid down—Even if the State does not adopt the policy of reservation in favour of backward classes so as to clearly come within the purview of article 16(4), but adopts a scheme which gives some preference to scheduled castes and tribes the court may uphold it under the rubric "reasonable classification" under article 16(1) and (2) However, this preference may not be given to an unlimited extent, the state can give preference to these classes consistent with the "needs of efficiency of administration" Thus the two considerations in giving preference to backward classes are (1) their under-representation is the services, and (2) this preference should not be 'undue' In other words reasonable relaxation of rules in their favour is permissible and not 'undue' relaxation

Kesava v *State of Mysore*

AIR 1956 Mys 20

Facts

The petitioner filed an application under art 226 of the Constitution for issue of a writ of *mandamus, certiorari* and *quo warranto* against twelve respondents, consisting of the State, the Commission who held the examination under Mysore Munsiffs (Recruitment and Promotions) Rules 1954, and ten persons appointed to the ten posts of Munsiffs His grievance was that in the competitive examination the first ten persons should have been appointed as Munsiffs Instead, the appointments had been made on communal basis in the absence of reservation as contemplated under art. 16(4) He urged that in the absence of such reservation the appointments of various candidates other than respondents 3, 4 and 5 must be declared to be invalid The government had specified all communities other than the Brahmin community as the backward community

Issue

Whether the contention of the petitioner that appointments were invalid as offending art. 16(4) of the Constitution was tenable.

Judgment

The Mysore High Court (Padmanabhiah and Hombe Gowda JJ) held that the appointments did not infringe art 16(4) However, separate judgments were given, though the conclusions arrived at were the same Padmanabhiah J held that the Order of the Mysore Government dated 16-5-1921 which classified all communities other than Brahmins as 'Backward communities' was not repugnant to art. 16(4) of the Constitution

He referred to Venkataramana v State of Madras, AIR 1951 SC 229 where the reservation had not been made by any legislative provision, yet the appointments had been held valid He was therefore of the view that it could not be said that the word 'provision' in art. 16(4) meant a "legislative provision" and not a provision made by the executive government

It was further held that art 16(4) was an enabling provision and that it was not obligatory for the State to make provision for reservation

In his poinion art. 16(4) was an exception to art 16(1) The word 'reservation' in art 16(4) signified that it could be a small portion of the main. It pointed out that each backward class of citizens was an independent class for purposes of appointment under art 16(4) In such cases, the reservation for each such class must be considered as one out of ten, which was but a small fraction of the total appointments He therefore, concluded

> "For ten appointments to be filled up, if there are candidates belonging to ten backward classes of citizens who, in the opinion of the State are inadequately represented in the service, it will not be wrong for the State to allot all the appointments to the ten communities coming under the heading backward classes of citizens A member belonging to a class which is well-represented in a particular service cannot have, and should not have, any grievance as against such appoinments"

The petition was accordingly dismissed

A separate judgement was delivered by Hombe Gowda J who while agreeing with his decision that the petition should be dismissed, added some further grounds in support of the conclusions arrived at by Padmanabhiah J

Of particular relevance was his observation that the term "Backward class" had not been defined anywhere in the Constitution In his view it was wide enough to include all kinds of backwardness, social, educational, economical or any other kind The State was doubtless the sole authority to classify the community as "backward classes"

Comments

This is an old case and its honding that all communities other than the Brahmins could be regarded as "backward' is of doubtful validity

K N Chandra Lekhra & others v State of Mysore and others

AIR 1963 Mys 293

Facts

The State Public Service Commission conducted a competitive examination for the posts of Munsiff in the Judicial Service of the State of Mysore The results were announced by a notification, and the names listed in order of merit Out of 229 candidates only 52 succeeded The petitioners, who were not successful in the examination, challenged the notification as having been made without lawful authority

The examination had been conducted under the Mysore Munsiffs Recruitment Rules, 1958 framed by the Governor of the State under Article 234 and the proviso to Article 309 of the Constitution Under Rule 12 the impugned notification had been published by the Commission. Prior to that, a decision taken by it, fixed the qualifying marks for success as 45% for candidates belonging to scheduled castes and scheduled tribes and 55% for the others

Issue

(1) Whether the Governor can delegate the power to the P S C for prescribing qualifying marks

(2) Whether the prescribing of two sets of qualifying marks, one for scheduled castes and the other for others is legal and amounts to reservation within article 16(4)

Judgement

The matter came up for hearing before A. R Somnath Iyer and Mir Iqbal Hussain, JJ

Somnath Iyer, J delivering the judgement of the court, held that from the language of rules 6 and 12 of the Mysore Munsiffs Recruitment Rules it was not possible to deduce that the Governor could delegate to the P S C his authority to prescribe qualifying marks

By way of *obiter* the court expressed its opinion on the second issue. It pointed out that the fixing of two sets of qualifying marks by the P S C was illegal and not authorised either by the proviso to rule 12 of the Rules or article 16(4) Under art 16(4) the reservation could be made only "by the State and not by the Governer enacting rules either under proviso to Article 309 or under Article 234" Prescribing a smaller percentage of marks for success in a competitive examination, did not amount to reservation in any sense of the term under Article 16(4)" Even the State had no power to make such reservation

The Court did not consider it necessary to express any definite opinion on this question, since the commission was not in the first place competent to fix the qualifying marks

The Court therefore concluded that the list was not valid

Sudama Prashad v Dwl Supdt. W. Rly. Kota and others

AIR 1965 Raj 109

Facts

A writ petition under article 226 was filed by Sudama Prashad, who was officiating in the Western Railway as Chief Clerk, against an order reverting him to the lower rank

The railway authorities had drawn up a panel approved for promotion, where the petitioner was assigned No 1 position, and Shankar Lal, Respondent No 3, who was holding an equivalent position as Head Clerk was placed at No 2 Two higher posts of Chief Clerk fell vacant, one temporarily and the other permanent Both the petitioner and Respondent No 3 were promoted to officiate against the temporary and permanent vacancy respectively Some months later the petitioner was assigned to the post of Respondent No 3 as he was senior while respondent No 3 was reverted to his post as Head Clerk Long after his reversion, respondent No 3 obtained a certificate, testifying that he belonged to Scheduled Castes and made a representation to the railway authorities that he was entitled to be appointed to the post of Chief Clerk in reference to the petitioner, who did not belong to the Scheduled Caste, according to the roster for reservation for scheduled castes Thereupon an order was issued reverting the petitioner as Head Clerk and appointing respondent No 3 in his place

On behalf of the petitioner it was contended

(1) Since there was only one vacancy and he was working against it, it could not be treated as reserved in accordance with the pronouncement of the Supreme Court in in *Devadasan*

(2) His reversion on the grounds mentioned in the impugned order resulted in denying him equal opportunity of employment guaranteed by article 16

(3) Reliance was placed also on article 311

The respondents, on the other hand, contended that the impunged orders were passed in pursuance of an administrative policy based on constitutional provisions, giving special treatment to members of scheduled castes Further, on the date of the common order, there were two vacancies and respondent No 3 could properly claim reservation in respect of one of them The order reverting respondent No 3 was erroneous, and they had corrected it by passing the impugned order which could not violate articles 16 or 311

Issues

1 Whether articles 16(4) could be utilized for demoting the petitioner who had once been lawfully appointed

2 Whether the order was illegal as violating article 16(1) and (2)

Judgment

The court comprising D S Dave C J and Kan Singh J held

(1) Article 16(4) could not be utilized for demanding the petitioner, subsequent to his lawful appointment The court remarked ·

"It is remarkable that the Respondent No 3 had never asserted at the time the promotions were made or even when his reversion was ordered that the authorities knew that he was a member of the scheduled Caste The certificate had been obtained by respondent No 3, sufficiently long time after his reversion That certificate, to our mind, could not be utilized for the purpose of creating a fresh opportunity for respondent No 3".

(2) The order was illegal as it violated article 16(1) and 16(2)

Desu Rayudu and another v *A P Public Service Commission and another*

AIR 1967 AP 353

Facts

This writ appeal and writ petition involved a common question regarding interpretation of art. 16 (4) and art 15(4) of the Constitution. The writ appeal was made from the order of Gopalkrishnan Nair J by which the writ petition was dismissed *in limine*

The Andhra Pradesh Public Service Commission had by order dated 29-10-1964 invited applications for competitive examinations for direct recruitment to posts in Group I The two petitioners in the writ appeal filed an application for issue of a writ of *mandamus* for declaring that notification *ultra vires* and issue of a direction to restrain them from conducting the examination The grievance of the petitioners, who both belonged to members of backward classes, was that their caste was approved in a list of backward classes which had been in vogue till 1-4-1964, but that list had been cancelled by respondent No 2, and the rules amended by G O Nos 913 dated 11-8-1964 The ground for cancellation by the state was that it was based solely on caste As a result, the petitioners were not eligible for the examination

Issue

What was the criterion for determining backward classes under article 16(4) ?

Judgment

The Court comprising Basi Reddy and Gopal Rao Ekbote JJ considered the meaning of and criteria for the term "backward classes" in art 16(4) Relying upon Rangachari *v* General Manager, AIR 1961 Mad 35 and Devadasan *v* Union of India, AIR 1964 SC 179, the court pointed out that art 366(24) and (25) defined the Scheduled Castes and Tribes respectively, and the Constitution itself recognised that irrespective of whether they consisted merely of scheduled castes or not, the Scheduled Castes were to be regarded as backward classes Hence, special mention was made of them in art 15(4) The absence of the term Scheduled Castes in art 16(4) did not make any difference because the term 'backward classes' used therein would naturally include Scheduled Castes and Scheduled Tribes

As regards the criteria for determining backward classes, the court was of the view that art 340 left it to a commission to recommend it for determination by the President However, the President had not decided the list of other backward classes, nor had the Government of India or any State yet determined the criteria It was well settled though, that caste merely could not be the criterion The term 'backward classes' was not confined to Hindu backward classes, nor did it mean caste amongst Hindus only It relied upon Balaji *v* Mysore, AIR 1963 SC 649 and Chitralekha *v* State of Mysore, where it had been laid down that caste alone could not be the sole basis for determining criteria of backwardness under Art 15(4) It referred to an explained Venkataraman v State of Madras, where the communal G O had been struck down as outside the limits of art 16(4) and infringement of art. 16(1) and (2)

An argument advanced on behalf of the petitioners, that castes could not be the sole basis for determining backward classes was good for art. 15 but not for art 16, was rejected by the court. It held that the term "backward classes" in art 16(4) could not be "decided exclusively or predominantly on the basis of caste" and referred to two decisions of the Supreme Court to support this conclusion *viz*, General Manager, Southern Rly *v* Rangachari, AIR 1962 SC 36 and Devadasan *v* Union of India, AIR 1964 SC 179 To invoke art 16(4) two conditions were required (a) a backward class of citizens (b) their inadequate representation in the State services Reservation could be made only on compliance of these conditions The above cases decided that excessive reservation would be bad in law, as infringing the main clauses of art 16 On the same analogy, if castes were the sole criterion, then other castes would be denied what is guaranteed to them under the main clauses of art 16 Hence, while it could be one of several factors to determine criteria of backwardness under art 16(4) it could not form the sole or predominant basis There was no difference in this respect between art 15(4) and art. 16 (4) The absence of some words in art 16(4) hardly made any difference.

It was pointed out that the economic consideration which had been accepted as a basis for extending facilities under art. 15(4) would perhaps not fully apply to art 16(4), while other useful criteria might have to be found for art. 16(4), but it did not mean that list of backward classes could be prepared solely or predominantly on the basis of caste However, keeping in view art. 335, the criteria which might be found ultimately for art 16(4) would have to take into account consideration of efficiency of administration. It was not for the court to lay down even broadly the basis for determining the criteria for purposes of art. 16(4). However, it was clear that caste could not be the sole or predominant consideration

The court was of the opinion that the list of backward classes which was in vogue till 1-4-1964 was exclusively based on caste and as such was bad for purposes of both art 15(4) and 16(4) As such the State Government was justified in cancelling it

The court, therefore, dismissed the writ appeal and the writ petition.

Hariharan Pillai v State

AIR 1968 Ker 42

Facts

The petitioner applied for the post of Munsiff when such post was advertised by the Public Service Commission on instructions from the State Government A written examination, interview of suitable candidates and observation of the "rule of rotation" prescribed in rules 14—17 of the General Rules under Part II of the Kerala State and Subordinate Services Rules, 1958 were mentioned On the results being published, out of 195 names, the petitioner's rank was listed as 24 and the rank of respondents 3—12 ranged between 26 and 72 The Commission advised the name of 31 candidates by applying the "rule of rotation" The petitioner, who was not included, alleged he had been discriminated against and respondents 3—12 selected only on the ground of religion or caste The State in reply asserted that he did not get a chance of employment as it felt that reservations should be made in favour of backward classes under article 16(4)

The basis for reservation was caste and the following castes were classified as backward

(1) Ezhavas and Thiyyas
(2) Muslims
(3) Latin Catholics, S I U C and Anglo-Indians
(4) Backward Christians (Other Christians)
(5) Other Backward Classes put together, i e, Communities other than those mentioned in items 1 to 4 above included in the list of "Other Backward Classes"

Issue

The issue was whether the Caste could be the criterion of backwardness In other words, whether the backward classes could be delineated with reference to religion and/or caste.

Judgment

The minority (2 1) upheld the classification The court pointed out that determining backward classes was a complex matter and required laborious investigation into economic, social and other data On the basis of counter affidavit filed by the State, the majority upheld the classification even though the data on which the classification was based was more than two to three decades old Though the court agreed that caste cannot be the sole criterion, yet where the classification is made on the basis of caste because of backwardness, by and large, of the members of that caste, the dominant criterion is not caste but backwardness. However, the court made the following suggestions·

(1) The relevant data must be collected periodically.
(2) That the State should take a fresh detailed survey as soon as possible
(3) That there may be a possibility of some sections in the caste classified by the State as backward not being backward, and there may also be a possibility that there may be backward people in other communities not classified as backward by the State

The dissenting judge was of the view that the classification made by the State was without an intelligible appraisal of the situation and a proper application of the mind He pointed out that the opinions formed by the State nearly two decades or more back could not be a proper basis for classification He was also of the view that even if a substantial portion of a caste was backward that caste could not be classified as backward, in view of the fact that some people belonging to that caste may not be backward. "The assessment of educational backwardness seems to have proceeded on a test, by no means adequate, on data meagre, and not upto date ; and the result of application of the test to the meagre data, is unsatisfactory"

Comment

The minority opinion is not satisfactory and the majority itself points out the limitations and the deficiencies of the classification by the State The court merely went by the obsolete data in determining backwardness which is not correct

Mangal Singh v *Punjab State*

A I R. 1968 Punj. 306

Facts

The appellant Mangal Singh appealed under clause 10 of the Letter Patent from the Order of a Single Judge He challenged the Punjab Government notification of 1966 by rule 15 of which the Government sought to relax the Punjab Civil Secretariat (State Service, Class III) Rules (1952) as regards rule of seniority

Issue

Whether the State could make provision under an executive order in favour of backward classes under Art. 16(4).

Judgment

The court comprising Mahar Singh C J and R S Narula J held that such an executive order was valid, and legislation was not necessary

The Court following *Hira Lal* v *Chief Conservator of Forests, Punjab* (Civil Writ No 271 of 1966, D/29-11-1966 Punjab) rejected the contention of the appellant that by an executive order or instruction, the Rules of 1952 could not be amended It also relied on Balaji where it has been laid down that the argument that provision under article 15(4) could be made by the State only by legislation had to be repelled In this respect article 16(4) stood in the same position as article 15(4)

The court therefore rejected the appeal

R N Pramanick v *Union of India*

AIR 1969 Cal 576

Facts

The petitioner, a member of the Scheduled Caste, was appointed and confirmed as a typist against the quota reserved for Scheduled Castes His grievance was that though in the Seniority List prepared by the Respondent Eastern Rly in 1961 he was given the 75th place (on the basis of his seniority which arose out of his earlier confirmation on account of he being a member of the Scheduled Caste), its subsequent revision by the impugned order in 1963, gave the petitioner the serial number 194-A (on the basis of merit) Consequently, the petitioner alleged he lost a chance of being promoted to the next higher scale, which he would have had, if his original 75th position had been retained The government had decided that "there would be no reservation for Scheduled Castes for promotion to the next grade and that seniority for such promotion will be computed not from the respective dates of confirmation, but according to the seniority position on merit"

Issue

Whether in a case for promotion to a higher grade, where the original recruitment is against reservation of seats for Scheduled Caste candidates, merit alone can be considered

Judgment

D Basu, J following *Rangachari* and *Devadasan* held that the Constitution had not been violated. He observed

> "The special provision in Article 16(4) must be read with the provision in Article 335, so that no reservation or special provision in favour of members of the Scheduled Castes can be carried to the length of impairing the 'efficiency of the administration' The Respondents have not, therefore, violated the Constitution in providing that merit shall be the only consideration for promotion to the higher grade even though there was reservation for Scheduled Castes for recruitment to the lower posts"

M Natarajan v The Director General of Posts and Telegraphs, New Delhi and another

A.I.R 1970 Mad 459

Facts

This was the result of two writ petitions filed by the petitioner Since 1953 he had joined the railway mail service, Madras Circle, of the Posts and Telegraphs Department as Sorter and was still continuing as such The Posts and Telegraphs Department had four arms of service, of which the Postal arm and the RMS arm were two such The RMS had a cadre of posts called Inspectors of RMS while the postal arm had a corresponding cadre called Inspector of Post Offices These posts were filled up by promotion on the basis of a departmental competitive examination from candidates belonging to respective arms of service In making the selection, some reservations were made for Scheduled Castes and Scheduled Tribes In the departmental competitive examination held in December 1965 for the posts of inspectors, RMS in the Madras Circle, the petitioner was one of the candidates In his branch, the vacancies were only 3 while the other branch had 29 vacancies Out of the total of 32 posts in both branches combined, four vacancies were reserved for Scheduled Castes For making this reservation the two branches of services were treated as one unit by respondent No 1. As a result, the candidate standing first from the RMS section was the only one to be selected from the other communities For the remaining two posts, Scheduled caste candidates were selected The petitioner who stood second from the other communities was thus excluded Hence, he filed these two writ petitions for certiorari and mandamus to quash the selection of the second respondent and to direct Respondent No 1 to select him instead

Issue

Whether the clubbing together of two branches of service for the sole purpose of selected Scheduled Caste candidates was illegal and violated article 16(4)

Judgment

Sadasivam J , relying upon *Balaji* and *Devadasan* held it to be illegal He pointed out that in Balaji it had been laid down that while making adequate reservation under Article 16(4) care would be taken not to provide for unreasonable, excessive or extravagant reservation, since such a course by eliminating general competition in a large field and creating widespread dissatisfaction among employees, would affect efficiency In Devadasan it was pointed out that reservation should not be so excessive as to practically deny a reasonable opportunity to other members in employment matters Reservation of over 50% was held violative of article 16(4)

In the instant case, the two cadres of Inspectors were distinct ones An administrative circular or order clubbing them as a single unit so as to select Scheduled Caste candidate was bound not only to cause hardship but also infringe the fundamental rights of persons belonging to one or the other section Since 2 out of 3 posts had been allotted to Scheduled Caste candidates it amounted to 66⅔% of the posts Reservation of over 50% would be unreasonable and violative of article 16(4) as made clear by Devadasan He, therefore, concluded

> "There can be no doubt that fundamental rights of the petitioner for equal opportunity have been violated in this case"

The writ petitions were accordingly allowed.

The Director General of Posts and Telegraphs v *N Natarajan and another*

(1971) 2 Mad. L J 79 from A I.R. 1970 Mad 458

Facts

Against a common order of Sadasivam J, who had allowed the respondents' petition, these appeals were made He had held that grouping in the circumstances, which had resulted in excessive representation to the Scheduled Castes in the Railway Mail Service cadre was illegal.

The court (K Veeraswami, C. J, and P R Gokulkrishnan, J) agreeing with the decision of Sadasivam J, dismissed the appeal. It held that while the Union Government was entitled to group cadres of service in order to give to the Scheduled Castes due representation, as provided in Art 16(4), this was subject to the limitation that such representation should not be excessive, as it would be unreasonable

To arrive at this conclusion the court relied on *M R Balaji* v *State of Mysore* and *Devadasan* v *Union of India* where the Supreme Court had held that reservation exceeding 50 per cent of the vacancies to be filled at any time was bad

G. N Gudigar v *State of Mysore and others*

(1972) 2 Mys L.J 202

Facts

For recruitment to the posts of Health Officers Class II-cum-Assistant Surgeons Grade II and Assistant Dental Surgeons made under the Mysore State Civil Service (Direct Recruitment by Selection) Rules, 1967, reservations in accordance with Notification G O No GAD 177 SSR 62, dt 16-9-1963 were made in favour of backward classes The criteria of backwardness were income and occupation The notification provided that a person is backward if he falls in following categories The income of the parent and guardian was below Rs 1200 per annum, and the parent/guardian was engaged in any of the following occupations (a) actual cultivator , (b) artisan , (c) petty businessman , (d) inferior services (class IV in government services and corresponding class of any service in private employment) including casual labour, and (e) any other occupation involving manual labour

Issues

Whether the criteria applied i e for determining backward classes under the Notification of 1963 were unconstitutional and violated Art 15(4) and Art 16(4)

Judgment

The Mysore High Court (Narayana Pai, C J and Malimath, J) held that the criteria applied, poverty and nature of occupation were relevant for determining backward classes, and as such were not unconstitutional

The court pointed out that the mere fact that in the 16-9-1963 Notification for purpose of classification of backward classes under Art 16(4) the criterion of income was limited to that of parent or guardian alone, whereas in the previous Notification dated 26-7-1963 for a similar purpose under Art 15(4) it was related to income of the entire family, would not render the impugned Notification invalid

The court referred to Triloki Nath's case (AIR 1967) which had laid down the test for backward classes as being socially and educationally backward in the sense explained in *Balaji's* case The court was of the view that this simply meant that such social and educational backwardness could be ultimately traceable to poverty and nature of occupation as explained in Balaji's case, It was observed

> "There is no prohibition against applying different figures of income or larger or smaller number of occupations provided the former has relation to poverty and the latter has relation to a tendency for backwardness"

(Smt) Parvatnalini Mallik v *State of Orissa and Others*

ILR (1972) Cut 1372

Facts

The petitioner, applied for relief under Arts 226 and 227 of the Constitution The Orissa Public Service Commission had on the request of the State Government in the year 1969-70 issued an advertisement calling for application for 18 posts of Lecturers in Political Science 16 per cent posts were reserved for Scheduled Castes and 24 per cent for Scheduled Tribes subject to the condition that they satisfied "a minimum standard of suitability" Certain minimum qualifications were prescribed for a person to be eligible to apply for the post. The petitioner who belonged to one of the Scheduled Castes was not selected for appointment, though she fulfilled the eligibility requirement, on the ground that she was not found "suitable" by the Commissioner after interview In view of the non-availability of "suitable" candidates the reserved posts except one were filled up from the non-reserved category of 'suitable candidates'

Issue

Whether the petitioner, who possessed the minimum academic qualification was entitled to be appointed to the post irrespective of the fact that the Commission, after interviewing her, found her not suitable

Judgment

The court (S K Ray, Actg C J and B K Batra, J) decided the issue in the negative and held that she was entitled to be appointed only if selected by the Public Service Commission

To arrive at this conclusion the court followed *T Devadasan* v *Union of India* and General *Manager, S E Railway* v *Rangachari* This it was observed that Art 16(4) had to be interpreted in the context of Art 335 of the Constitution (See Rangachari) Further, it was pointed out that clause 4 of Art 16 was in the nature of an exception to clause 1, and reservation under that clause could not be said to have violated Art 14

Art 16(4) permitted the State to reserve a reasonable percentage of posts for members of Scheduled Castes and Tribes What the percentage ought to be would depend upon circumstances obtaining from time to time (See Devadasan) However, in the present case there was no complaint about the percentage of reservation

It was also pointed out that the language of Art 16(4) showed clearly that there was no constitutional duty imposed on the Government to make a reservation for Scheduled Castes and Tribes It was left to their discretion and if in exercise of it, they made such reservation subject to the satisfaction of a minimum standard of suitability, its validity could not be questioned

The petition was therefore dismissed

Ch Rajaiah and others v *The State of Andhra Pradesh.*

ILR (1973) A P 516

Facts

The petitioners six in number, who were temporary class IV employees in the Collectorate, Warrangal, sought a writ under Article 226 to direct the respondents to forbear from implementing G O Ms No 686 which stated that whenever retrenchment was to be effected, senior temporary employees, probationers and even approved probationers who did not belong to scheduled castes and scheduled tribes must face retrenchment before junior-most employees belonging to Scheduled Caste and Scheduled Tribe, if the total representation of the last mentioned fell below a certain percentage The petitioners who did not belong to Scheduled Castes and Tribes thus faced retrenchment though they were much senior to temporary employees in the same category belonging to Scheduled Castes and Tribes

Issues

1 Whether the G O was illegal and void, as being violative of Article 16(1) and (2) of Constitution

2 Whether retrenchment from employment was a matter which fell under the axe of Art 16(4)

Judgment

Chinnappa Reddy J, applying *General Manager Southern Railway* v *Rangachari*, held the G O to be violative of Article 16(1) and (2) The court considered the question whether the rule could be justified under Article 16(4) of the Constitution *Rangachari* had held that the power of reservation conferred on the State under Article 16(4) could be exercised by providing for reservation of appointments and also for reservation of selection posts However, it was recognised that Article 16(4) did not cover the entire field covered by Article 16(1) and (2) Some matters relating to employment such as condition of service like salary, increment, gratuity pension, age of superannuation, wherein equality was guaranteed by Articles 16(1) and (2) did not fall within Article 16(4).

On behalf of the petitioners it was contended that retrenchment from employment did not fall within Article 16(4) The question, however, was left open though Reddy J proceeded on the assumption that Article 16(4) could be exercised even while considering retrenchment.

Considering the scope of reservation under Article 16(4) the interpretation given by the Supreme Court in *General Manager, Southern Railway* v *Rangachari*, *Devadasan* v *Union of India*, and *Balaji* versus *State of Mysore* on this aspect was noted In these cases excessive reservation for backward classes which disturbed the legitimate claims of other communities had been held to be violative of Article 16(1) The court mentioned that there should be a reasonable balance between the claims of the backward classes and the claims of other employees Each year of recruitment should be considered by itself and "the reservation for backward communities should not be so excessive as to create a monopoly or to disturb unduly the legitimate claims of other communities"

The court, therefore, holding the G O Ms to be illegal and void allowed the writ petition

K S Nair v Oil & Natural Gas Commission and others

1974 Guj L. R 7

Facts

The petitioner who was a temporary Chief Store-keeper challenged in the first petition the validity of the action taken by Resp 1, the Oil and Natural Gas Commission, by which it refixed his seniority and that of Resp Nos 2 and 3 so as to treat these backward class respondents as senior to him The second petition challenged the interview given by the Commission to Resp 4, Gyansingh, for the post of Executive Engineer, on the ground of his belonging to the backward classes, while the third challenged his confirmation and preferential treatment by the Commission.

Issue

Whether the impugned circular dated May 26, 1970 could be read as a duly promulgated order of reservation within Art. 16(4).

Judgment

The court (J B Mehta and S H Sheth JJ) held that the impugned circular could not be so read and, therefore, allowed the three petitions

Reference was made to *Triloki Nath,* AIR 1969 SC 1 where it was laid down that reservation under Art 16(4) need not be by statutory enactment It could be made by executive order or direction However, it is necessary that such an order or direction should be published " when employees' rights are to be prejudiced and a prejudicial treatment to be supported by such an exceptional order under Art 16(4), it is obvious that it cannot be by a mere executive instruction on the office file" An order under Art. 16(4) by its very nature must be published so as to bring it to the notice of all the employees concerned

Urmila Ginda v Union of India

AIR 1975 Del 115

Facts

The petitioner who belonged to a high caste family (Malhotras of Punjab) filed this writ petition Claiming that by her marriage to Flt Lt C D Ginda (who belonged to the Scheduled Caste) she was also entitled to be treated as Scheduled Caste candidate in respect of a public office which was reserved for backward communities, Scheduled Castes and Tribes She applied for the post of Senior Russian-to-English translator in the Ministry of Defence However, she was selected for Junior Russian-English Translator She was placed at Sr No 2 Sr No 1 had been appointed on the ground that the post was reserved for a Scheduled Caste candidate, and being a member of the higher caste herself, she could not be considered merely on the ground of her marriage with a Scheduled Caste person

Issue

Whether by marriage to a Scheduled Caste husband, a high caste lady can claim to be treated as Scheduled Caste candidate in respect of a public office reserved for backward communities under Article 16(4)

Judgment

The Court speaking through S Rangarajan J held that she could not claim the post He pointed out if it was permitted for a lady like the petitioner, who belonged to a higher caste "to compete for a seat reserved for such socially and educationally backward class of people, merely by reason of her marrying a person belonging to such a caste", it might result in even defeating the provision made by the State in favour of such classes by reserving certain posts for them

The petition was accordingly dismissed

Haripada Ray v Union of India and others

(1975) 79 CWN 834

Facts

The petitioner brought this appeal against an order made by M M Dutt J in 1974 by which he had discharged a Rule The petitioner had by this rule challenged an order made by his employer the Commissioners for the Port of Calcutta, who promoted Respondent Nos 4 to 30 from Assistant Medical Officers to Senior Assistant Medical Officers It was claimed by the petitioner that he being a member of a Scheduled Caste was entitled to the benefit of reservation of appointments and posts in the service of respondent No 2 on account of a resolution made in 1958

Issue

1 Whether under Art 16(4) reservation of posts for backward classes can be made at the initial stage of appointment or for posts to be filled by promotion

2 Whether resolution of authority reserving certain percentage of posts for scheduled castes and scheduled tribes "in all their services" contemplated reservation in posts to be filled by promotion

Judgment

The Calcutta High Court comprising S K Mukherjea and Sudhamay Basu JJ held

1 The use of the words "appointments or posts" in article 16(4) clearly indicated that the article contemplated not merely initial appointments but also offices or posts which were to be filled up by promotion

2 The word "in all their services" used in the resolution passed by the authorities of the Port of Calcutta reserving a certain percentage of vacancies for Scheduled Castes and Scheduled Tribe candidates should be equated with "all appointments or posts" as contemplated by art 16(4) As such it would include not only initial appointment but also filling up by promotion of any post

To arrive at this conclusion the court relied on *General Manager, Southern Rly* v *Rangachari* The Supreme Court, in that case had laid down that "the power of reservation which is conferred on the State under Art 16(4) can be exercised by the State in a proper case not only by providing for reservation of appointments but also by providing for reservation of selection posts" The court, therefore, allowed the appeal

L. C. Malik and Others v Union of India and others

1978 (1) SLR 844

Facts

A petition was filed under Art 226 The petitioners No 1 to 6, who were holding the posts of Grade B and Grade C Guards in the service of the Northern Railway, challenged the appointment to the posts in Grade A Guards of respondent Nos 4 to 8 who were C Grade Guards and were junior to petitioners The petitioners claimed relief for quashing the selection of these respondents The Railway Board had fixed 15% reservation for Class III and IV employees The petitioners claimed that as the Board sought to apply 15% reservation to vacancies occurring due to retirement or resignation etc, it resulted in excessive reservation in favour of Scheduled Castes and Tribes

Issue

1 Whether the percentage of reservation made under article 16(4) relates to the vacancy or to the total posts.

2 Whether the reservation was excessive and violated article 16(1)

Judgment

The court (K N Singh and S D Agarwala JJ) upheld the contention of the petitioners that the percentage of reservation related to the vacancy and not to the posts It was pointed out by K N Singh J, delivering the judgment, that acceptance of the contention of the respondents to the contrary would result in discrimination against those employees not belonging to the Scheduled Castes In the instant case, there were a total number of 37 posts of A Grade Guards If 15% of the vacancies occurring in a particular year were filled by promotion of scheduled caste candidates, after some time it would result in the percentage of scheduled caste candidates in that grade to reach upto 66%, which would be detrimental to others who might be senior or meritorious but could not be promoted due to the reservation in favour of Scheduled Castes The Court further pointed out that the 1970 circular gave to scheduled class employees belonging to lowest category of C Grade Guards an edge over B Grade Guards, who were undeniably senior to them The chart drawn up by the petitioners displaying the vacancies available upto 1984 on account of retirement of A Grade Guards indicated that the quota of 15% against the available vacancies would result in the Scheduled Castes having 56% of the posts of A Grade Guards The court applying the law as laid down in *Devadasan* held that this would violate art 16(1) Art 16(4) was an exception to art 16(1) However, the power conferred under cl (4) could not be exercised in a manner which would make the reservation excessive, so that it denies to members of other communities, a reasonable opportunity of employment

The court, therefore, allowed the petition

Chhotey Lal and others v *State of Uttar Pradesh*

AIR 1979 All 135

Facts

This was a petition under art 226 to challenge the reservation of posts in the State Judicial Service for Backward Classes, dependants of freedom-fighters, ex-detenus under MISA and DISIR and their dependants

The petitioners who were advocates had appeared at the State Judicial Service Examination which had been held in April 1978 to fill 150 temporary posts Of the total posts, 27 were reserved for Scheduled Castes, 3 for Scheduled Tribes, 8 for dependants of freedom-fighters, 12 for disabled officers of Military services, and 23 for backward classes

Of relevance here in the petitioner s attach on reservation for so-called "backward classes"

An order of the U P government enumerated the "backward classes" as comprising Ahirs, Kurmis, and some other castes The petitioners alleged that many belonging to these castes were not economically and socially backward Many were doing well, some were highly educated and occupying high offices, while others were in professions such as lawyers, doctors, *etc* Hence, the entire castes mentioned in G O could not be termed 'backward class' within the scope of art 16(4) Therefore, there was no rational basis for creating reservation for them

Issue

1 What was the scope and extent of the expression "Backward Classes of Citizens" What were the tests to determine whether a group of people constituted a 'backward class of citizens' ?

2 Whether the U P Government had correctly determined as to who should be included in the 'Backward classes' ? If not whether the G O S issued in 1955, 1958 and 1977 were a fraud on the constitutional powers conferred on the State by art 16(4) construed in the light of art 15(4) and, therefore, void

Judgment

The Court (T S Misra and K N Goyal, JJ) **held** that reservation for backward classes under these government orders was void

The court was of the view that for recruitment to state services, three basic principles as emerged from *D N Chanchala* v *State of Mysore*, AIR 1971 SC 1762 were involved, namely, (i) the State has power to lay down classifications or categories of persons from whom recruitment to the public service may be made, (ii) the principle underlying arts 15(4) and 16(4) was that a preferential treatment could validly be given because it was needed by the socially and educationally backward classes so that in the course of time they could stand in an equal position with the more advanced sections and (ii) this principle could be applied to those who were handicapped but not to those who fell under art 15(4)

On the basis of these principles reservations for children of Defence and ex-Defence personnel could validly be made The extension of these principles in the G O to ex-detenus under MISA and DISIR and their dependants could be considered permissible However, in so far as the G O provided for reservation of seats for "backward classes", on the basis of caste alone, without any investigation having been made as to the 'backwardness' of the various castes, it could not be sustained under art 15(4) and art 16(4)

As regards the scope and extent of the expression "Backward Classes of Citizens", which occurred in arts 15(4) and 16(4) the court considered the relevant constitutional provisions and case-law on the subject Art 366(24) and (25) defined Scheduled Castes and Scheduled Tribes respectively but there was no clause defining "backward class of citizens" In fact, art 15(4) which made special provision for backward classes treated them as being similar to Scheduled Castes and Scheduled Tribes It was thought that provision should be made for some other classes of citizens who were equally or somewhat less backward than these Scheduled Castes and Tribes Such was the purpose of art 15(4) and art 16(4) of the Constitution

However, the extent of the reservations under art 15(4) or 16(4) could not be excessive The Supreme Court in *Devadasan* approved "below 50%" reservation in favour of backward classes, in the identification of which, caste could be one but

not the sole criterian The court also referred to observations made by the Supreme Court in *Balaji's* case, where 68 per cent reservation had been struck down The court observed that the Solicitor General, appearing for the State of U P conceded that the aggregate reservation for all categories had to be less than 50%.

The executive action making such reservation should not transgress the authority conferred on it by the Constitution whether implicity or explicity, or it would be struck down as a fraud on the relevant constitutional powers as laid down in M R Balaji

After reviewing the case-law the court summed up the law regarding determination of 'backward classes" as follows —

"(i) the bracketing of socially and educationally backward classes with the Scheduled Castes and Tribes in Art 15(4), and the provision in Article 338(3) that the reference to Scheduled Castes and Tribes were to be construed as including such backward classes as the President may by order specify on receipt of the report of the Commission appointed under Art 340(1), showed that in the matter of their backwardness they were comparable to Scheduled Castes and Scheduled Tribes,

(ii) the concept of backward classes is not relative in the sense that any class which was backward in relation to the most advanced class in the community must be included in it,

(iii) the backwardness must be both social and educational and not either social or educational,

(iv) Article 14(4) refers to 'Backward classes' and not 'backward castes', indeed the test of caste would break down as regards several communities which have no caste

(v) caste is a relevant factor in determining social backwardness but is not the sole or dominant test,

(vi) social backwardness is in the ultimate analysis the result of poverty to a very large extent Social backwardness which results from poverty is likely to be aggravated by considerations of caste to which the poor citizens may belong, but that only shows the relevance of both caste and poverty in determining the backwardness of citizens,

(vii) a classification based only on caste without regard to other relevant factors is not permissible under Art 15(4), some castes are, however, as a whole socially and educationally backward,

(viii) the occupations followed by certain classes (which are looked upon as inferior) may contribute to social backwardness, and so may be habitation of people, for, in a sense, the problem of social backwardness is the problem of rural India,

(ix) the division of backward classes into backward and most backward classes is in substance a division of the population into the most advanced and the rest, the rest being divided into backward and most backward classes and this is not warranted by Art 15(4)

(x) Art 16(4) does not confer any right on a person to require that a reservation should be made It confers a discretionary power on the State to make such a reservation if in its opinion a backward class of citizens is not adequately represented in the services of the State Mere inadequacy of representation of a caste or class in the services is, however, not sufficient to attract Art 16(4) unless that class (including a caste as whole) is also socially and educationally backward,

(xi) the object of reservation would be defeated if on the inclusion of a class in a list of backward classes, the class is treated as backward for all times to come Hence the State should keep under constant periodical review the list of Backward Classes and the quantum of the reservation of seats for the classes determined to be backward at a point of time,

(xii) the aggregate reservation of posts for various categories (including backward classes) should be less than 50%, and

(xiii) the courts' jurisdiction is limited to deciding whether the tests applied by the State in determining the Backward Class of citizens are valid or not If the relevant tests have not been applied it is not open to the Court either to modify the

list of "backward classes" prepared by the State or to modify the extent of reservation but it must strike down the offending part, leaving it to the State to take a fresh proper decision after applying the correct criteria"

The court examined the question of burden of proof where a challenge to the State's determination of backward classes is made It referred to the following two Supreme Court decisions *State of Punjab* v *Hira Lal*, AIR 1971 SC 1977 where the court held that the burden of establishing that a reservation was offensive to art 16(1) was on the person making the plea *State of U P* v *Pradip Tandon*, AIR 1975 SC 563, where the onus of proof was departed ("The onus of proof is on the State to establish that reservations are for socially and educationally backward classes of citizens")

The Court, however, was of the opinion that these conflicting views on onus in *Hira Lal* and *Pradip Tandon* could be reconciled If pointed out that in cases where proper investigations had not been made by the Government as regards backwardness of a class, the government orders had been struck down as in *Trilok Nath* (AIR 1969 SC 1), Janki Prasad *v* State of Jammu and Kashmir (AIR 1973 SC 930), M R Balaji (AIR 1963 SC 649) and State of Andhra Pradesh *v* P Sagar (AIR 1968 SC 1379) On the other hand, where the petitioners laid no foundation for the challenge and failed to point out that a class had been wrongly included in the list of backward classes, such challenge was thrown out as in P Rajendran *v* State of Madras (AIR 1968 SC 1012) and State of Punjab *v* Hira Lal (AIR 1971 SC 1777) Hence, the burden of proof was mixed one As held in Hira Lal reservation of appointments could not be struck down on hypothetical grounds, but as held in P Sagar it was the duty of the government to demonstrate by evidence and argument before the courts that the guaranteed right is not infringed"

After examining the affidavit of the petitioners and the counter-affidavit of the State and also the materials (such as Chhedi Lal Sethi Commission Report and the Report of the Kaka Kalelkar Commission) referred to therein, the court concluded "Neither the impugned G O nor the counter affidavit filed on behalf of the State reveals that any other survey or data collection on any manner was done by the State Government Similarly, as regards, the list prepared by the Education Department, it is not mentioned in the counter-affidavit on what basis these castes were found even educationally backward class of citizens at the point of time No such finding enquiry was alleged to have been made" In sum, the court was of the view that the basis for reaching the conclusion by the State that the enumerated castes were backward was not disclosed The court also emphasised that though the Supreme Court in several cases has upheld the enumeration of backward classes on the basis of castes, but in all those cases the caste as a whole was socially and educationally backward "It is only in respect of these castes that the Supreme Court has accepted validity of castes for its being treated as socially and educationally backward for purposes of art 16(4)".

As regards the burden of proof, the court was of the view that the petitioners had discharged their burden by specifically pleading that at least two castes were not economically and socially backward The State has not come out with any material to refute this "In the very nature of things, it is not possible for private citizens to make detailed investigation and survey all over the State or to supply the relevant data It is only with the resources of Government that such data can be collected and supplied to the Court"

Part IV

Analysis of Cases Under Article 15(4)

I What are Backward Classes

Art 16(4) uses the term 'backward classes' as compared with the words "socially and educationally backward classes of citizens or the Scheduled Castes and Scheduled Tribes" used in art 15(4) This difference in terminology raises two questions Firstly, whether art 16(4) covers Scheduled Castes and Scheduled Tribes or not. Secondly, whether the term "backward classes" is to be understood in the same sense as in art 15(4), *i e*, socially and educationally backward classes It has been held in several cases that the term backward classes under art 16(4) covers Scheduled Castes and Scheduled Tribes,[1] and also the term is identical with "any socially and educationally backward classes" *i e*, there is no difference between art. 15(4) and 16(4) as far as the definition of backward classes goes [2]

Two other factors which have to be borne in mind in making reservations for the backward classes are that reservations can be made for backward classes which in the opinion of the State are not adequately represented in the services under the State,[3] and that any reservation made in their favour does not materially affect administrative efficiency [4]

There are only four Supreme Court cases where the validity or classification of backward classes was an issue and those are cluster of cases dealing with reservations made in the State of Jammu and Kashmir The High Court cases dealing with the definition of backward classes have arisen from the States of Mysore, Kerala, Andhra Pradesh and Uttar Pradesh.

The first Supreme Court case under which the question arose is *Triloki Nath* v *State of Jammu and Kashmir* [5] This case arose after the Supreme Court judgments in *Balaji* v *State of Mysore* and *Chiterlekha* v *State of Mysore* under art 15(4), and these two cases have been discussed by us in the section under that article The facts in 1st *Triloki Nath* were that the Government had adopted the following policy of reservations in the matter of promotion to certain posts, without any formal rule or announcement (1) 50 per cent for Muslims, (2) 60 per cent of the remaining 50 per cent for Jamvi Hindus, and (3) Remaining 40 per cent of the 50 per cent for Kashmiri Pandits, and sometimes one or two posts for Sikhs out of turn

The court held that the sole test of backwardness is not that certain classes are inadequately represented in the services of the State as was claimed by the state, for such an argument "would exclude the really backward classes from the benefit of the provision [16(4)] and confer the benefit only on the class of citizens who, though rich and cultured have taken to other avocations of life" The court stated that a class to be backward has to be socially and educationally backward in the sense explained in the *Balaji* case, and that further such a class is not adequately represented in the services of the State Following *Balaji* and *Chiterlekha,* the court stated that classification of backward classes should be made on the following two conditions (i) economic conditions, and (ii) occupations Though caste could be a factor, yet it should not be sole or dominant test In its view social and educational backwardness was the result largely of poverty Further, while the State had necessarily to ascertain whether a particular class of citizens is backward, yet it is a justiciable issue and the court can examine whether the power has been abused by the State or not In this case the court struck down the policy of the State as the State did not place sufficient material before the court to justify the conclusion that the categories adopted by the State were backward It called for a report to be supplied by the High Court containing such material as total population of the entire State, breakup figures of the two provinces, the extent of social and economic backwardness of the different communities

The matter again came before the Supreme Court in the second *Triloki Nath* case[6] after the

1 *General Manager S Railway* v *Rangachari* A I R 1962 S C 36 *Desu Rajudu* v *A P Public Service Commission* A I R 1967 A P 353 *T Devadasan* v *Union of India,* A I R 1964 S C 179

2 *Triloki Nath* v *State of Jammu & Kashmir* A I R 1967 S C 1283 Janki Pd v State of J&K, A I R. 1973 S.C 930

3 *The Rangachari* case, *supra* the *Triloki Nath* case, ibid

4 *The Rangachari* case ibid *T Devadasan* v *Union of India* A.I R 1964 S C 179

5 A I R 1967 S.C. 1283

6 *Triloki Nath* v *State of J&K* A.I.R. 1969 S.C. 1

High Court had submitted its report The Supreme Court found that the report of the High Court did not contain any formal order making a provision for reservations or appointments of posts in favour of any backward classes of citizens From the evidence, the court found that the policy of giving representation to different communities was based only on the fact that they were not adequately represented in the services and also on the policy of giving due provincial representations This was contrary to art 16(4) and was invalid under art. 16(1) and (2) The court stated that test based solely on caste, community, race, religion, sex descent, place of birth or residence cannot be the criterion for backwardness The expression backward class is not synonymous with backward caste or backward community The entire caste or community may be declared to be backward but this would not be because of its characteristic as a caste or community as such, but because it is backward at a given point of time in the social, economic and educational, scale of values While passing the final order the court stated that the order made by the court did not prevent the State for devising proper scheme

Subsequent to the second *Triloki Nath* case occurred *Makhan Lal* v *State of Jammu and Kashmir*[7] This case occurred on the facts of Triloki Nath *Makhan Lal* is hardly of any significance for the constitutional interpretation In Triloki Nath, though the court had stated that the State should prepare a scheme of reservation consistent with art 16, no such scheme had been devised However, the State adopted an ingenious device by which the State gave ostensible effect to the Court's decision in *Triloki Nath,* but really to continue the respondent-teachors, whose promotions had become illegal in view of the decisions in *Triloki Nath,* in the same higher position As this was violative of sec 16, the court again struck down these promotions

Finally, on the facts of the above three cases, there occurred Janki Pd *v* State of Jammu and Kashmir[8] The state of Jammu and Kashmir, as a result of the decision in *Makhan Lal* v *State of Jammu and Kashmir,* promulgated the Jammu and Kashmir Scheduled Castes and Backward Classes Reservation Rules, 1970 The petitioners alleged that the old communal representation was still being maintained, and claimed that though some posts had been reserved for backward classes under the rules, yet it was merely an exercise to secure about 90 per cent of the posts to Muslims

7 A I R 1971 S C 2207
8 A.I R 1973 S C 930

The rules framed by the Government were based on the recommendations of the Backward Classes Committee appointed by the State Government under the chairmanship of J N Wazir, retired Chief Justice of Jammu and Kashmir High Court, which had submitted its report in November 1969. The rules had classified backward classes into six categories as follows .

(1) Certain specified traditional occupations
(2) 23 specified social castes
(3) Small cultivators
(4) Low paid pensioners
(5) Residents in the area adjoining the cease-fire line
(6) Some areas in the State as "bad pockets" and every person belonging to that area regarded as backward

The court in this case emphasised that a backward class should be backward both socially *and* educationally Merely educational backwardness *or* social backwardness would not be sufficient.

The Supreme Court found fault, partly or wholly, practically with all the categories specified in the rules

The main views of the court on these categories were Firstly, with regard to the traditional occupations, the court agreed that it is quite open to the State to declare that persons belonging to low income family following a traditional occupation should be regarded as persons belonging to a backward class if, on the whole, the class is socially and educationally backward But the defect of the government classification was that a person became backward if his grandfather followed the traditional occupation but not his father, thus the benefit not going to the really person concerned

The rules had notified 23 castes as backward However, the Backward Classes Committee had identified only 19 such castes For want of material, the court was not prepared to hold that the other four remaining castes were also backward

The rules had identified cultivators of land with a small holding as "backward classes" The limits of the holding were to differ according to the land cultivated and the region in which it was situated The reasons for this categorisation were economic. The court discounted this approach as in its view a class must be a homogenous social section of the people with common traits, and identifiable by some common attribute In the classification in

question the relevance of social and educational backwardness took a subordinate place Taking an example, the court said that a person holding 10 Kanals of land or less is regarded as backward, i e, socially and educationally backward, but not the brother of such a person if he owned half a Kanal more The court found a similar defect in the classification which had regarded the dependents of a pensioner, if the maximum of the scale of pay to the post to which he belonged did not exceed Rs 100, as backward

Finally, the court examined the rules which had identified residents of certain villages within five miles of cease-fire line and a few other areas which were regarded as "bad pockets" The court was satisfied on materials before it that these villages and areas could be regarded as socially and educationally backward However, the rules had provided that a person wanting the advantage of reservation could be regarded as belonging to the area if his father was or had been a resident of the area for a period of not less than 10 years in a period of 20 years preceding the year in which the certificate of backwardness was obtained The defect of the rule was that the father or the son need not be a resident of the area, when the advantage was claimed, and further the rules did not require that the son should have his earlier education in these areas to ensure that he and his father were permanent residents of that area Under the rules, the benefit could not only be claimed by the genuine residents but also by others who might go to these areas for purposes of business or government service, etc Thus outsiders could also claim the benefit Thus loophole must be plugged

In an early Mysore High Court decision,[9] the Government had specified all communities other than the Brahmin Community as backward The classification was upheld by the High Court The government had done it on the recommendations of a Committee known as the Millers Committee The decision of the Court is of doubtful validity No material was placed before the court as to on what basis the blanket classification was made that all communities other than Brahmins were backward The court here had proceeded on the basis that the courts had hardly any power of judicial review over the matter

In other Mysore case,[10] the criteria of backwardness adopted by the State were the income limit and the nature of occupation A person was regarded as backward if the income of the parent and guardian was below Rs 1,200 per annum and he was engaged in any of the following occupations (a) Actual cultivator, (b) artisan, (c) petty businessman (d) certain inferior services including casual labour, and (e) any other occupation involving manual labour The High Court upheld the order of classification of backward classes of the government This ruling is not in accord with the Supreme Court judgment in Janki Pd, discussed above, where the court stated that the group should be socially homogeneous and that the income criterion would lead to marginal difficulties However, in another Supreme Court case occurring under art 15(4), subsequent to Janki Pd, the court upheld the caste criterion subject to the income limit [11]

It may be said by way of comment that it is difficult to adopt a classification which is perfect and such marginal difficulties as pointed out by the court in *Janki Pd* would remain in any classification The choice is between "no classification" at all and "Classification with some marginal" difficulties

In *Devu Raydu* v *A P Public Service Commission*[12] the government had cancelled its earlier order of backward classes as it was entirely based on castes The petitioner challenged this cancellation of the order by the Government It was held by the High Court that the government was justified in doing so on the ground that caste cannot be the sole or predominant basis of classification

In a Kerala case, *Hariharan Pillai* v *State*,[13] the government had adopted caste as the basis for backwardness The data on which the classification was based was more than two to three decades old The High Court in a 3 to 2 decision upheld the order of the government It stated that though caste cannot be the sole criterion, yet where the classification is made on the basis because of backwardness, by and large, of the members of that caste, the dominant criterion is not caste but backwardness The dissenting judge thought that the opinion formed by the State nearly two decades or more back could not be a proper basis of classification Further, even if a substantial portion of a caste was backward, still that caste could not be regarded as backward, in view of the fact that some people belonging to that caste might not be backward As far as the approval of the criterion of caste by the minority is concerned, it is an accord

9 *Kesava* v *State of Mysore* A I R 1956 Mys 20

10 *G N Gudigar* v *State of Mysore* (1972) 2 Mys L J 202.

11 *K S Jayasree* v *State of Kerala* A I R 1976 SC 2381

12 A I R 1967 A P 353

13 A I R 1968 Ker 42.

with the views expressed by the Supreme Court in the second Triloki Nath case, discussed above. The difficulty, as pointed out by the dissenting judge in *Hariharan Pillai* in adopting caste as the criterion, even where the caste *as a whole* is educationally and socially backward, is that there may be some person in that caste who are not backward and may claim the benefit. This is again a kind of marginal difficulty and we have to live with this kind of marginal difficulty if we wish to provide reservations for the backward classes.

An order of the Uttar Pradesh Government enumerated the backward classes as comprising Ahirs, Kurmis and other castes. The petitioners in *Chhotey Lal* v. *State of Uttar Pradesh*[13a] alleged that many belonging to castes like Ahirs and Kurmis were not economically and socially backward. Many of them were doing well, some were highly educated and occupying high offices, while others were in professions such as lawyers, doctors, etc. The Court stated that a caste could be regarded as backward if it was *as a whole* socially and educationally backward. However the High Court quashed the order of the Government. After examining the affidavit of the petitioners and the counter-affidavit of the State and also the materials (such as Chhedi Lal Sethi Commission Report and the Report of the Kaka Kalelkar Commission) referred to therein, the court concluded: "Neither the impugned G.O. nor the counter affidavit filed on behalf of the State reveals that any other survey or data collection on any manner was done by the State Government. Similarly as regards the list prepared by the Education Department, it is not mentioned in the counter-affidavit on what basis these were found even educationally backward class of citizens at the point of time. No such-finding inquiry was alleged to have been made." In sum, the court was of the view that the basis for reaching the conclusion by the State that the enumerated castes were backward was not disclosed. In this case there was also dispute as to the burden of proof—whether the burden was on the state to prove that the classes enumerated by it were really backward or on the person challenging it that they were not backward. The court took the view that it was on the individual to plead specifically that the classification made by the Government was not proper, and once this had been done the burden shifted on the government. Here, in the opinion of the court, the petitioners had discharged their burden by specifically pleading that at least two castes were not economically and socially backward. The State has not come out with any material to refute this. "In the very nature of things, it is not possible for private citizens to make detailed investigation and survey all over the State or to supply the relevant data. It is only with the resources of Government that such data can be collected and supplied to the Court."

The Court in *Chhotey Lal* also emphasised that the object of reservation would be defeated if on the inclusion of a class in a list of backward classes, the class is treated as backward for all times to come. Hence the State should keep under constant periodical review the list of Backward Classes and the quantum of the reservation of seats for the classes determined to be backward at a point of time.

In *Urmila Ginda* v. *Union of India*,[14] the Delhi High Court was faced with the question whether a woman belonging to a higher caste would come in the category of "backward class" by marrying a person belonging to that class. It was held that she did not and could not claim the benefit.

II. *Excessive Reservations*

The question of excessive reservation occurred in a few cases. In *T. Devadasan* v. *India*[15] the Supreme Court following the *Balaji* case discussed under art. 15(5) held that art. 16(4) is only an exception to art. 16(1) and cannot provide for excessive reservation as excessive or extravagant reservation would, by eliminating general competition in a large field and by creating wide-spread dissatisfaction among the employees, materially affect administrative efficiency. The court agreed with *Balaji* that reservation of more than 50% of the vacancies would be violative of art. 15(1). In this case, the reservation of 12½% of vacancies for Scheduled Castes and 5% for Scheduled Tribes was made. This by itself was reasonable. However, there was a carry-forward rule according to which unfilled reserved vacancies in two years preceding the year of recruitment were to be added to these percentage. As a result of this carry-forward rule, in a particular year, the reservation quota came to be 64.4% of the vacancies filled. As this was more than 50%, the court regarded it execessive and held the carry-forward rule to be invalid.[16]

13a. A.I.R. 1979 All. 135.

14. A.I.R. 1975 Del. 115.

15. A.I.R. 1964 S.C. 179.

16. Fazl Ali J. in *State of Kerala* v. *Thomas* A.I.R. 1976 S.C. 490 however was of the view that carry forward rule was not bad even if it resulted in more than 50% posts to be fulfilled by backward clases. "In fact if the carry-forward rule is not allowed to be adopted it may result in inequality to the backward classes of citizens who will not be able to be absorbed in public employment in accordance with the full quota reserved for them by the Government." At 555.

Thus, though the percentage of reservation by itself may not be excessive, yet if certain method followed in applying these percentages results in excessive reservation in a particular year, it will be bad This is further illustrated by the following cases In one High Court case the facts were that there were two cadres of railway inspectors known as Inspectors of RMS and Inspectors of Post Offices and these cadres were distinct ones In a particular year, there were three vacancies in the former and 29 vacancies in the latter, thus a total of 32 vacancies in both the cadres combined Four vacancies were reserved for Scheduled Castes by treating the two cadres as one unit This resulted in going one post of RMS Inspector to the first candidate (general category) from the RMS section and two posts going to Scheduled Castes candidates The petitioner, who stood second from the general seat, was thus excluded from the post of RMS Inspector It was held by the High Court that since two out of three seats as a result of clubbing the two distinct cadres resulted in 66⅔% of posts for Scheduled Castes, it was an excessive reservation The two branches were distinct ones and should not have been clubbed for purposes of reservation [17]

In *Rajaiah* v *State of Andhra Pradesh*[18] the petitioners six in number, were temporary Class IV employees of the Government and did not belong to Scheduled Castes and Scheduled Tribes The Government sought to retrench these employees under a policy that whenever retrenchment was to be affected, senior temporary employees, probationer and even approved probationers who did not belong to Scheduled Castes and Scheduled Tribes, must face retrenchment before the junior-most employees belonging to the Scheduled Castes and Scheduled Tribes were retrenched, if the total representation of these two categories fell below a certain percentage The first question before the Court was whether retrenchment from employment came within an art 16(4) as it was contended that since different ages of superannuation cannot be fixed for persons belonging to the backward classes and persons not belonging to backward classes, even for the purposes of maintaining the percentages of employees belonging to backward classes, different considerations should not apply in the case of retrenchment This question was left open by the Court and it proceeded on the basis that art 16(4) covered even retrenchment The court quashed the retrenchment of the petitioner by the Government as in a particular year the scheme of retrenchment followed by the Government resulted in "excessive reservation" for the backward classes

In another case,[19] the Railway Board followed the policy of 15% reservation for class III and IV employees but this 15% rule was applied as a matter of practice to vacancies occurring due to retirement or resignation, etc, and not to the total posts The court found that if 15% reservation was applied to vacancies and not to posts, it would result in the percentage of scheduled candidates in that grade to reach upto 60% It, therefore, struck down the policy of the government on account of excessive reservation

III *Publication of order of reservation*

The Government can made reservation in favour of the backward classes under art 16(4) through an executive order and no legislation is necessary In *Mangal Singh* v *State of Punjab*,[20] it was held that the relevant service rules stood amended as a result of an executive order issued by the government under art 16(4) In *K S Nair* v *Oil & Natural Gas Commission*,[21] it was held by the Gujarat High Court that though reservation under art 16(4) could be made by an executive order, such an order or direction must be published " When employees' rights are to be prejudiced and a prejudicial treatment is to be supported by such an executive order, it is obvious that it cannot be by a mere executive instruction on the office file " An order under art 16(4) by its very nature must be published so as to bring it to the notice of all the employees concerned

IV *Retroactive Reservation*

Under art 16(4) the state can make reservation both retrospectively and prospectively This is the holding of the Supreme Court in *General Manager, Southern Railway* v *Rangachari* [22] However, once a person was duly appointed and his rival did not contend that he belonged to the reserved category, the production of a certificate to that effect subsequently would be of no avail Art. 16(4) could not be utilized for demoting a person subsequent to his lawful appointment [23]

17 *M Natarajan* v *Director General of Posts & Telegraphs* A I.R 1970 Mad 459 affirmed by the Division Bench (1971) 2 Mad L. J 79

18. I L.R. (1973) A.P 516

19 *J C Malik* v *Union of India* 1978 (1) SLR 844

20 A I R. 1968 Punj 306 Also *Triloki Nath* v *State of J&K* A I R 1969 S C 1

21 (1974) Guj L R 7

22 A I.R. 1962 S C 36

23 *Sudama Prashad* v *Supdt W Rly*, AIR 1965 Raj 109.

V *Discretionary with the government to provide for reservations*

It is discretionary with the government to provide for reservation for backward classes or not either in the initial appointments or promotions There is no constitutional right in any individual to ask for reservation This point has been brought out in several cases In *C A Rajendran* v *Union of India*,[24] the Supreme Court stated that art 16(4) did not confer any fundamental right on backward classes as regards reservation of posts, whether it be at the stage of recruitment or promotion It was only an enabling provision which conferred "a discretionary power on the State to make reservation of appointments in favour of backward classes of citizens which in its opinion is not adequately represented in the service of the State" In making reservations the government has to take into account not only the claims of the members of the backward classes but also the maintenance of efficiency of administration which is of paramount importance Here the government had made reservations in promotions to classes II and I posts which was subsequently abolished The court upheld the action of the government in abolishing the reservations

In *R N Promanick* v *Union of India*,[25] the petitioner was appointed as a typist against the quota reserved for Scheduled Castes This grievance was that though in the Seniority List prepared by the government he was given 75th place (on the basis of his seniority which arose out of his earlier confirmation on account of his being a member of the Scheduled Caste), its subsequent revision by the government gave him serial number 194-A (on the basis of merit) Consequently he lost a chance of promotion The government had decided that for promotions there would be no reservations The court upheld the governmental action It was within the right of the government to decide that promotions will be made on the basis of merit and not seniority based on reservations

Similarly, it has been held that while making the reservations the government may lay down not only the minimum requirement of eligibility for purpose of making an application but also a "minimum standard of suitability to be determined by the Public Service Commission after interview" A person belonging to Scheduled Caste has no right to complain that he should be appointed to the post once he fulfilled the "eligibility test" though not the "suitability test"[26]

VI *Scope of reservations and other concessions to Backward Classes*

In *General Manager, S Railway* v *Rangachari*,[27], the court took the position that matters of employment under article 16(1) covered not only initial appointment but also promotions and such other matters as salary and periodical increments and terms of leave, gratuity, pension and age of superannuation Art 16(4) is an exception to art 16(1) and it does not cover the entire ground by art. 16(1) Thus, there cannot be any exception or different rules even in regard to backward classes with regard to matters other than initial appointments and promotions Art 16(4) covered both initial appointments and promotions The State can make reservations in favour of the backward classes both in initial appointments and promotions

The leading case on the grant of concession in government employment by ways other than reservations is *State of Kerala* v *Thomas*[28] Here, the service rules provided for promotion from one particular cadre to a higher cadre on the basis of seniority subject to passing the prescribed test within two years However, the rules also provided for giving a longer period (two extra years) for passing the test by the candidate belonging to Scheduled Castes and Scheduled Tribes It was held that the concession given to the backward classes was valid Though the concession may not fall under art 16(4) still it does not violate art 16(1) which permits reasonable classification The court regarded the present concession to fall under the rubric "reasonable classification" Art 335 in particular gives a mandate that the claims of Scheduled Castes and Scheduled Tribes should be considered in matters of employment consistent with maintaining administrative efficiency Temporary relaxation of the rule passing the prescribed examination in the case of Scheduled Castes and Scheduled Tribes was warranted by their backwardness and inadequate representation in the state services, and did not unreasonably affect administrative efficiency The preference of the concessions in favour of these classes cannot be to an unlimited extent The State has to give preference to these classes consistent with the needs of efficiency of administration In other wards, reasonable relaxation of

24 A.I.R. 1968 S C. 507

25 A.I R 1969 Cal. 576

26 *Pravatnalini Mallik* v *State of Orissa* ILR (1972) Cut. 1372.

27 A I R 1962 S.C. 36

28 A I R 1976 S.C 490

a rule in their favour is permissible but not "undue" relaxation

In *K N Chandra* v *State of Mysore*,[29] there were two sets of qualifying marks for success at a competitive examination held by the State Public Service Commission—45% for candidates belonging to Scheduled Castes and Scheduled Tribes, and 55% for others The Mysore High Court expressed the opinion by way of *obiter* that prescribing a smaller percentage of marks for success in a competitive examination did not amount to "reservations in any sense of the term under art 16(4)"

VII *No reservations amongst communities not coming under the category of backward classes*

In *Venkataramana* v *State of Madras*,[30] a case occurring in 1951, the facts were that the G O known as a Communal G O had notified that selection of candidates to certain posts would be made from various castes and religious communities as follows Harijans 19, Muslims 5, Christians 6, Backward Hindus 10, Non-Brahmins 32, and Brahmins 11 It was held that such an order was bad under art. 16(1) and (2) which specifically prohibits the State from discriminating against persons in respect to government employment on the basis of religion, race and caste, etc. Under the Government order in issue the basis of eligibility for a post was that a person belonged to a particular caste, religion, etc Art 16(4) permitted reservations only for "backward classes" and not other classes

VIII *Miscellaneous*

It has been held that the mere fact that the reservations made may give extensive benefits to some of the persons who had the benefit of the reservations earlier does not by itself make the reservation bad Similarly, the length of the leap is immaterial and it depends upon the gap to be covered (*e g* , a person in the reserved category having 73rd position in the list prepared for promotion could get precedence over the 72 others if there is a single post to be filled up and that post belongs to the reserved category)[31] However, it may be commented that the State under art. 16(4) does not possess an unlimited power in this regard for as the Supreme Court has held in several other cases (like *Rangachari* and *Devadasan*) that the reservations in favour of backward classes should not materially affect administrative efficiency

29 A.I R 1963 Mys. 293

30 A.I.R. 1951 S C. 229

31 *State of Punjab* v *Hiralal*, A.I.R 1971 S C 1777

Protective Discrimination under Article 15(4) Analysis of Supreme Court and High Court Decisions

The spirit of equality prevades the provisions of the Constitution of India as the main aim of the Founders of the Constitution was to create an egalitarian society wherein social, economic and political justice prevail and equality of status and of opportunity are made available to all However, owing to historical and traditional reasons certain classes of Indian citizens are under severe social and economic disabilities that they cannot effectively enjoy either equality of status or of opportunity Therefore, the Constitution accords to these weaker sections of society protective discrimination in various articles including article 15(4) This clause empowers the state, notwithstanding anything to the contrary in articles 15(1) and 29(2) to make special reservation for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes As for instance, a notification purporting to acquire land for providing accommodation for Harijans could not be challenged on the ground of discrimination in view of article 15(4) [1] But the Constitution neither enumerates the class of citizens who are backward nor provides the state with criteria for classifying backward classes of citizens [2] The task of the policy makers, be it at the central or state level, becomes complex as they have to keep in mind the definite prohibitions enumerated in articles 15 (1) and 29(2) The identification of backward classes in the Indian Society is not an easy task The influence of "caste" on the social, educational and economic backwardness of classes of people in the Indian Society has been the subject of debate and research by sociologists Is the factor of "caste" alone significant in the making of social and educational backwardness or are there other factors? What is the correlation between caste and such other factors and the importance to be given to all these factors (including caste), with reference to different communities and regions? A number of variables are relevant in the determination of these questions

The wide language of article 15(4), "indicates that the Constitution makers relied primarily on the discretion of the politicians and administrators of the future rather than on the courts to keep the principle of preference within boundaries consistent with the Constitution's overall scheme of eliminating caste, religious and other discrimination These provisions are an expedient hopefully a temporary one—giving the executive and legislatures broad discretion in their application However, this discretion is not so broad as to exclude entirely *judicial* review of determinations of backwardness "[3] The main areas of concretisation of legislative and executive discretion are education, welfare and economic activities such as housing grant of land etc and public services

I *Who are Backward Classes?*

The first decision of the Supreme Court on the scope of article 15(4) was Balaji v State of Mysore [4] Since 1958 the State of Karnataka (then Mysore) had been attempting to make special provisions for the advancement of its socially and educationally backward classes of citizens under article 15(4) and whenever any order was passed, its validity was challenged in the High Court which quashed them The petitions in this case were filed under article 32 to challenge the validity of the order of the Mysore Government in 1962 The effect of the order was to divide backward classes into two categories (i) Backward classes and (ii) More Backward classes Out of the 50 per cent as the quota for the backward classes 28 per cent of seats in technical and professional institutions were reserved for backward classes and 22 per cent for more backward classes, 15 per cent for the scheduled castes and 3 per cent for the scheduled tribes Thus we find that the total quantum of reservation was 68 per cent Only 32 per cent of the seats was available to the merit pool This order of the Mysore government was a sequel to the recommendation of an expert committee set up by the state government known as the Nagen Gowda Committee which had investigated the problem of identifying criteria for classifying backward classes in the state The Committee felt that in India a higher social status was generally accorded on the basis of caste and the low social position of any class or community

1 *Moosa* v *State of Kerala* A I R 1960 Ker 355

2. In the case of Scheduled Castes and Scheduled Tribes the President specifies them by public notification under art 341(1) and 342(1) respectively Only Parliament is empowered to include and exclude from the List. Further, Art 366(24) and (25) define these groups respectively

3 Marc Galanter '*Protective Discrimination for Backward Classes in India* 3 Journal of the Indian Law Institute 39 at 66 (1961).

4. A I R 1963 S C 649

was, therefore, merely on account of the caste system Social backwardness was considered to be mainly based on racial, tribal and caste differences even though economic backwardness might have also contributed The Committee had felt that in the prevalent circumstances, the only practicable method of classifying the backward classes in the state was on the basis of caste and communities *According to the Committee, the entire Lingayat* Community was socially forward and that all sections of Vokkaligas excluding Bhunts were socially backward With regard to Muslims, majority of the committee felt that they should be classified as backward The committee further felt that the backward classes should be subdivided into two categories—backward and the more backward The test adopted for such categorisation was Was the standard of education in the community in question less than 50% of the state average? If it were, the community was *more* backward *If it was not*, the community was backward

In determining the educational backwardness of the classes of citizens, the government proceeded on the basis of the average of student population in the last three high school classes of all high schools in the state in relation to 1,000 people of that community On the basis of data supplied it was found that the state average of student population in the last three high school classes was 6 9 per *thousand The government decided* that all castes whose average was even just less than the state average of 6 9 per thousand should be regarded as backward classes, and if the average of any community was less than 50 per cent of the state average, it should be regarded as constituting more backward classes The government order was challenged as unconstitutional

The Supreme Court in an unanimous opinion delivered by Justice Gajendragadkar held the order of *state government* unconstitutional In deciding on the validity of classification of backward classes, the Court had to determine the factor for social backwardness and educational backwardness On the question of social backwardness, the court said that in the Hindu Social structure, caste unfortunately played an important role in determining the status of citizens, yet the special provisions were contemplated for classes of citizens and not for individual citizens as such It may not be irrelevant to consider the caste of the group but its primacy *should not be over* emphasised The caste system had been the greatest obstacle to the achievement of an egalitarian society and the recognition of specific castes as backward might maintain and perpetuate the existing distinctions on the basis of castes In addition, the sole test of "caste" would break down in relation to many sections of Indian societies, as for instance, Muslims and Christians, who do not recognise castes in the Hindus conventional sense "Social backwardness is in the ultimate analysis the result of poverty to a very large extent [5] The classes of citizens who *are deplorably poor automatically become socially* backward" The court also referred to occupations and place of habitation as contributing to social backwardness The backward classes can, in the matter of their backwardness, be compared with the Scheduled Castes and the Scheduled Tribes The concept of backwardness is not relative in the sense that classes which are backward in relation to the most advanced classes should be included in it If such relative tests are applied by reason of the most advanced classes, there will be several *layers of backward classes and each of them may* claim to be included under exception clauses It is significant that the Court referred to the Report of the Backward Classes Commission 1955 (appointed by the Central Government in 1953 and known as Kaka Kalelkar Commission), the Memorandum of the Government thereon,[6] the Report of the Commissioner for Scheduled Castes and Scheduled Tribes, 1959,[7] and also the method adopted in Maharashtra The Maharashtra Government had defined backward classes on the basis of annual *income of the family Monetary grants* were given

5 *Id* at 658

6 The Memorandum of the Government of India on the Commission s Report pointed out that (a) recognition of *the specified castes as backward may serve to maintain* and even perpetuate the existing distinctions on the basis of caste (b) some of the tests applied by the Commission were more or less of an individual character and even if they were accepted they would encompass a large majority of the country s population (out of a list of 2399 communities which the commission designated as backward 930 alone accounted for an estimated population of 115 million or about 33 per cent of the then population of India excluding the Scheduled Castes and Tribes) If the entire community barring a few exceptions has to be regarded as backward *the really needy would be* swamped by the multitude and hardly receive any special attention or adequate assistance The Commission having failed to determine any objective criteria the Government of India made further endeavours to devise some positive and workable criteria As no acceptable conclusions could be arrived at the Government of India decided not to issue any list of backward classes other than Scheduled Castes and Tribes They also indicated that while the state government have the discretion to choose their own criteria for defining backwardness, in the view of the Government of India it would *be better to* apply economic tests than to go by caste

The Report mentions the finding of the Deputy Registrar General of India that it is possible to determine social and educational backwardness on the basis of occupations The basis is (a) any non-agricultural *occupations* in any state in India in which 50% or more of the persons belong to the Scheduled Castes or Scheduled Tribes or (b) any non-agricultural occupations in which literacy percentage of the persons depending thereon is less than 50% of the general literacy in the state

to students pursuing higher education where it was shown that the annual income of their families was below a prescribed minimum Though the Court did not express any final opinion, it seemed to view with approval such a scheme coupled with the establishment of more technical and vocational institutions and reservation of seats therein

As regards educational backwardness the court observed that (a) it was doubtful if the test of the average of student population in last three High School classes (as recommended by the Nagen Gowda Committee and approved by the Government) was appropriate, (b) it might not be necessary or proper to put the test as high as has been done by the committee and (c) even if the tests were valid, and the state average was 6 9 per thousand, a community which just satisfied that the said test or was just below the said test could not be regarded as backward It must be well or substantially below the state average Here again the court did not articulate any definite rule on the point but approved that below 50% of the state average would obviously be backward Lingayats with an average of 7 1 per thousand, Gangias with 7 and Muslims with 5 (when the state average was 6 9 per thousand) could not be treated as backward So according to the Supreme Court, for a class to be educationally backward, its average must be well below the state average

The Supreme Court, however made it clear that backwardness must be social and educational and not either social or educational If that were so, then common criteria should be evolved for determining social backwardness and educational backwardness If different standards are applied for both, it is possible that the classes listed as educationally backward may not be so socially and *vice versa* In fact the Supreme Court in *Balaji* case actually considered the two separately in discussing different criteria for determining social and educational backwardness

On the quantum of reservation, the Court said that the interest of weaker sections of society had to be adjusted with the interest of the community as a whole The adjustment of these competing claims undoubtedly was a difficult exercise but under the guise of making a special provision, the state could not reserve all the seats available The court was reluctant to lay down a definite yardstick However, a broad guidline for policy makers was laid down in these words

> Speaking generally and in a broad way, a special provision should be less than 50 per cent, how much less than 50 per cent would depend upon the relevant prevailing circumstances in each case [8]

Applying the above guideline the court found 68 per cent reservation for backward class, Scheduled Castes and Scheduled Tribes excessive and declared it unconstitutional

Close on the heels of the *Balaji* case the Supreme Court in *Janardhan Subbaraya* v *Mysore*[9] clarified that the *Balaji* decision did not affect the validity of reservation made in favour of the Scheduled Castes and Scheduled Tribes The said reservation (15 per cent for Scheduled Castes and 3 per cent for Scheduled Tribes) continued to be operative The 1962 order of the Mysore government had been quashed solely with reference to the reservation made in respect of the socially and educationally backward classes In other words for Scheduled Castes and Scheduled Tribes separate percentages of reservations could be provided

In the light of the Court's observations in the *Balaji* case, the Mysore Government order of July 1963 had evolved a profession-*cum*-means test for identifying social and educational backwardness

(i) A family whose income was Rs 1,200 per annum or less and persons or classes following occupations of agriculture, petty business, inferior services, crafts or other occupations involving manual labour were, in general, socially and educationally backward The government listed the following occupations as contributing to social backwardness,

(ii) Actual cultivator ,

(iii) artisan,

(iv) Petty businessman,

(v) inferior service (*i e* class IV in government services and corresponding class), or

(vi) any other occupation involving manual labour

The literacy level among the classes stated above was lower than the general level of literacy in the state

As regards the quantum of reservation, the order had provided for 30 per cent reservation for backward classes, 15 per cent for Scheduled Castes and 3 per cent for Scheduled Tribes.

8 *Id* at 663

9 A.I.R 1963 S.C. 1702

Here we find that the government took into account the economic condition and occupation of the family In *D G Viswanath* v *Government of Mysore*,[10] the above order of the Mysore Government providing a reservation of 30 per cent of the seats for students of backward classes for admissions to professional colleges in medicine and engineering was challenged, on the basis that out of the four criteria for determining socially and educationally backward classes, *viz* occupation, income, residence and caste, in the case of Hindus, the government had altogether ignored the caste basis and hence the scheme set out in the order was invalid In this case while determining the social and educational backwardness, the state applied the "occupation" and "poverty" test only and altogether ignored the "caste" and "residence" basis Accepting the contention of the petitioner, Justice Hegde observed that the Supreme Court in *Balaji's* case had very specifically stated that caste in relation to Hindus was a relevant factor to be considered in determining the social backwardness of groups or classes of citizens It had nowhere stated that caste basis should not be adopted in determining the socially and educationally backward classes Accordingly "caste" had a relevant basis in determining the classes of backward Hindus but it should not be made the sole basis, it might be adopted along with such other tests as occupation, poverty, residence etc As the government had ignored caste and residence basis altogether in the instant case the court felt that the classification of backward classes adopted did not really help the really backward classes among the Hindus The Court illustrated that *Kurubas* and *Bedars* who were the really backward got very few seats in the Engineering Colleges from the backward classes quote whereas Brahmins, *Lingayats* and *Vokkaligas* got more seats

As regards the quantum of reservation, 30 per cent was held not excessive on the materials placed before the court

In *R Chitralekha* v *State of Mysore*[11] on appeal from the above judgment the correctness of the Mysore High Court's interpretation of the *Balaji* case came up for decision by the Supreme Court The Supreme Court considered again whether a caste was also a class of citizens and whether caste as a whole could be classified as backward Justice Subba Rao (as he then was) on behalf of the majority observed

Article 15(4)—does not speak of caste but only speaks of classes If the makers of the Constitution intended to take caste also as units of social and educational backwardness, they would have said so as they have said in the case of the Scheduled Castes and the Scheduled Tribes Though it may be suggested that the wider expression "class" is used in clause (4) of Art 15 as there are communities without caste, if the intention was to equate classes with castes, nothing prevented the makers of the Constitution to use the expression "backward classes or caste" [11a] The juxtaposition of the expression "Backward Classes" "Scheduled Castes" in Art 15 (4) also leads to a reasonable inference that the expression *classes is not synonymous with castes*

In tune with the conspectus of constitutional provisions, "caste" and "classes" cannot be considered synonymous The Judge said

If we interpret the expression "classes" as "castes" the objective of the Constitution will be frustrated and the people who do not deserve any adventitious aid may get it to the exclusion of those who really deserve [12]

This anomaly would not arise, if without equating caste with class, caste is taken as only one of the factors to determine whether a person belongs to a backward class or not The majority held that under no circumstance a "class" could be equated to a "caste" though the caste of an individual or a group of individuals might be considered along with other relevant factors in placing him in a particular class Accordingly, Mysore Government's Order of July 1963 was upheld

Justice Mudholkar who constituted the minority on other aspects of the *Chitralekha* case felt that "Castes have no relevance in determining what are socially and educationally backward communities" as that would go against clause (1) of article 15 or clause (2) of article 29 This is so despite the non-obstante clause in clause 4 of article 15

In *Balaji* and *Chitralekha* the Court did not approve of classification of a *caste as a whole as backward* Justice Subba Rao in Chitralekha had suggested that if any *sub-caste* was wholly backward, it might be included in the scheduled castes by following the procedure laid down in article 341(2) of the Constitution [13]

10 A I R 1964 Mys 132.

11 A I R 1964 S C 1823

11a *Id* at 1833

12 *Id* at 1833

13 Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste race or tribe but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification

The interpretation of the scope of Mysore Government's order of July, 1963 came up in several cases In *Ratnakara Shetty* v *State of Mysore*[14] involving 30 per cent reservations for admission to pre-medical course, the Mysore High Court held that an applicant may be regarded as belonging to socially and educationally backward class if

(i) he and/or his parents or either of them or his guardian in the event of his being an orphan, pursue or pursues any one of the occupations enumerated in the Government order, and

(ii) that total earnings of the income from property, if any, belonging to the parents (or in the event of the death of both of them, the guardian) of the applicant together with the earnings and the income from properties, if any, belonging to the applicant, his brothers or sisters or other relatives living with them available to the family does not exceed Rs 1,200

If any of the siblings of the applicant do not contribute to the family's income, then his or her income is not available for computation

"Family" in the order was construed to be natural family and not Hindu undivided family because there are families of persons who are not Hindus but belong to other religions such as Islam and Christianity etc

The court observed

"The word "family" used in the Government order is an expression which is intended to apply to all persons irrespective of the rules of family law applicable to them If so, the most obvious inference is that the reference is to the normal or natural family consisting of a husband, wife and their children living together, along with such other relatives as may be living with them "[15]

In *B Sayeed Ahmed* v *State of Mysore*[16] the question was whether the son of a "mechanic" whose annual income was Rs 624 was entitled to be considered for admission to pre-professional course leading to M B B S degree on the basis of belonging to socially and educationally backward classes The court interpreting the Mysore Government order of July 1963 held that a "mechanic" was one who clearly answered the description of the word "artisan" and hence, the petitioner should be considered for admission as he belonged to such backward class

Human ingenuity being what it is, the legal device of adoption was resorted to in order to take advantage of the provisions of the reservations in favour of backward classes by the Mysore Government Order of July 1963 In *Shantha Kumar* v *State of Mysore*[17] the petitioner was given in adoption by his natural father at the age of sixteen years to his own uncle who was socially and economically in a weaker position than his father The Mysore High Court held

"Whatever may be the position in regard to a boy who has been given in adoption at a comparatively early age like 4 or 5 years, in the case of the petitioner who is stated to have been given in adoption when he was about 16 years of age and had all the while imbibed the better environmental advantages of his natural father's income and occupation it is not reasonable to hold that the income and occupation of his adoptive father and not those of his natural father that should determine whether he belongs to socially and educationally backward classes" [18]

Any other view would defeat the aim of reservation for such backward classes and whittle down the protection to those who suffer from environmental disadvantages

In *Sudha* v *S C of Medical College*[19] the scope of the Mysore Government's order of July 1963 came up for scrutiny which involved admission to Medical Colleges The petitioner's claim that she belonged to socially and educationally backward classes was not accepted and she was refused the benefit of reservation She had contended that the occupation of her father as "purohit" fell within the category of "any other occupation involving manual labour" and that he was a petty purohit having to do "*paricharika*" which an assistant has to do Justice Chandrashekar applied the test of "predominant nature' to decide whether an occupation involves manual labour or intellectual labour Every occupation involving intellectual labour may also involve some manual labour Though a *purohit* may use his hands in performing certain rituals and ceremonies, the predominant character of his occupa-

14. (1969) 1 Mys LJ 149
15. *Id* at 155
16. 1969(1) Mys. LJ 79
17. 1971(1) Mys LJ 21.
18 *Id.* at 23
19 A.I.R. 1967 Mys. 21.

tion requires study and knowledge of the Scriptures and Vedas The Court endorsed the view of the Selection Committee that a *purohit's* occupation did not involve manual labour Accordingly, the petitioner was not entitled to the reservation meant for backward classes

In *Subhashini* v *State,*[20] the Mysore Government's order of July, 1963 which made reservations for admission to medical colleges was challenged One basis of attack against the order was that under it more than 50 per cent of the available seats were reserved and hence, the quantum of reservation exceeded the *Balaji* limit Factually, the total number of seats available in the medical colleges were 750 Out of those 3 seats were for cultural scholars of Indian origin domiciled abroad 2 seats for Columbo Plan Scholars, 4 seats for students of Indian origin migrating from Burma, 4 seats for students from Asian and African countries, 2 seats for L A M S and L U M S, 5 seats for students coming from Goa, 2½% of the seats for children of Defence Personnel, 1% of the seats for those who have shown exceptional skill and aptitude in sports and games, 75 seats as central quota for students from other states If any of those seats were not filled, the unfilled seats would be transferred to the general pool Out of the remaining 18 per cent were reserved for Scheduled Castes and Scheduled Tribes and 30 per cent for the socially and educationally backward classes.

It was argued that the total reservations for all groups exceeded the Balaji limit of 50 per cent Rejecting this argument, the Mysore High Court held that the validity of reservation of seats for socially and educationally backward classes have to be judged by the conditions laid down in article 15(4) The validity of the reservations for classes other than those socially and educationally backward classes Scheduled Castes and Scheduled Tribes had to be tested on the basis of the requirements of article 14 Such reservations should not be mixed up with the special reservations under article 15(4) The upper limit laid down in Balaji's case has application only to the reservation to be made under article 15(4) It does not include any reservation otherwise made

Gurinder Pal Singh v *State of Punjab*[21] involved challenge to the government orders making reservations in favour of Scheduled Castes, Scheduled Tribes, backward classes and residents of backward areas and other classified categories for admission to medical colleges against 50 per cent seats The quantum of reservations was

(i)	Scheduled Castes/Tribes	20%
(ii)	Backward classes	2%
(iii)	Backward areas	10%
(iv)	Sportmen/women	2%
(v)	Central Government nominees including from Jammu and Kashmir	6%
(vi)	Women candidates	1%
(vii)	Candidates from border areas of Punjab	5%
(viii)	Children of political sufferers of the freedom struggle with Punjab domicile	2%
(ix)	(a) Children of defence personnel who have lost their lives (b) Children of defence personnel disabled (c) Children of the personnel of the Border Security Force killed/disabled (d) Children of the ex-servicemen of Indian Armed forces	2%

With regard to backward classes it was argued that reservation could not be made for any particular caste or community because backwardness depended more or less upon the economic condition of a family The State of Punjab in reply pointed out the existence of a circular letter No 2662-5WGII-63/6934, dated 20th April, 1963, issued by the State Government which provided that a family whose annual income was less than Rs 1,000 should be regarded as a backward family and some communities which are *socially looked* down upon by the people of the State and whose annual income did not exceed Rs 1,800 and who were so declared by the State Government were also to be regarded as backward communities The Punjab High Court held that the circular amply highlighted the aspect of the backwardness of a family before such a family could be declared to belong to a backward class Such a classification was admissible under the Constitution and could not be struck down

The reservation for residents of backward areas was, however, declared unconstitutional

Candidates hailing from backward areas were required to submit along with their applications

20. A I R 1966 Mys 40

a certificate from Deputy Commissioner or any other designated official that they fell under one of the following categories laid down by Punjab Government order

(a) A person who with the family members had been residing in a village or town for a period of ten years and would continue to reside there

(b) A person who had been residing in a village or town for a period of less than ten years but would continue to reside on account of gainful employment or settled there after retirement, if the stay was not less than five years

(c) In the case of a person who had been residing in a village or town in the said area, the total period of his stay at both places would be counted towards his residence in that area

The court striking down the classification for backward areas as unconstitutional said that the order was based only on the ground of residence irrespective of the economic circumstances of the candidates "A millionaire and a pauper living in such areas have been treated at par", the court added The Punjab Government order did not provide any yardstick for determining the comparative prosperity of the residents in the backward areas Hence such classification was held to be violative of article 15(1) and could not be saved by article 15(4)

The *Chitralekha* approach was departed from in the subsequent decision of the Supreme Court in *P Rajendran* v *State of Madras*[22] The Court had to consider the validity of rules made by the State of Madras for the selection of candidates for admission to the first year Integrated M B B S course Rule 5 classified as socially and educationally backward and reserved seat for the classes specified in group III of the revised appendix 17-A to the Madras Educational Rules In this case the petitioners challenged, among other things, the validity of Rule 5 reserving the seats for backward classes as violative of article 15(1) because the list prepared by the state was exclusively on the basis of caste It was contended on behalf of the state that the list of backward classes was made starting from 1906 and was kept updated and that the main criteria for inclusion in the list was the social and educational backwardness of the caste based on occupations pursued by these castes As the members of the caste as a whole were found to be socially and educationally backward they were placed in the list The Court also found that the classes of persons referred to in Rule 5 as socially and educationally backward were only *castes* However, it accepted the contention of the state that each of those castes as a whole was socially and educationally backward and in view of the petitioner's failure to rebut the state's plea and to establish that even one of those castes was not as a whole backward, it held rule 5 as valid and constitutional The Court further held that

(A) caste is also a class of citizens and if the caste as a whole is socially and educationally backward reservation can be made in favour of such a caste on the ground that it is a socially and educationally backward class of citizens within the meaning of Article 15(4)[23]

In the *Rajendran* case the state conceded and the Court found that rule 5 classified certain castes as socially and educationally backward and reserved seats for them This on the face of it, amounted to a violation of article 15(1) and rule 5 was void unless protected by article 15(4) The burden of proof must have been placed on the state to show that rule 5 came under the umbrella of article 15(4) This burden of proof was not satisfactorily discharged by the state except that it indicated that the main criterion for inclusion in the list was the social and educational backwardness of the caste based on occupations pursued by these castes To place the burden of proof on the petitioner to prove that the castes were not backward was too difficult an onus in the absence of the state specifying the criteria for classifying the castes as backward

The upshort of *Rajendran's* case was that caste wise classification was held valid for identifying social and educational backwardness The criterion of "caste" as the sole basis of classification was rejected by *Balaji* and *Chitralekha* But *Rajendran* without overruling these cases it does not at all refer to *Chitralekha* approved of castewise classification on the basis that "a caste is also a class of citizens"[24] Though the court gives countenance to "caste" as a basis of classification provided the *whole* caste is socially and educationally backward, yet the court does not answer the question as to persons not backward in that caste The difficulty in adopting caste as a sole criterion (assuming as a whole it is socially and educationally backward) is that some people in that

22 A I R 1968 S C 1012

23 *Id* at 1014-15

24 For High Court cases which considered caste as a synonym for caste See *State of Kerala* v *R Jacob* A I.R. 1964 Ker 316

caste who are socially and educationally advanced may get the benefit of backwardness

Hridaya Narain v *Mohd Sharif*[25] dealt with the main constitutional questions relating to the validity of section 49M of the Bihar Tenancy Act and notification Nos A/T-1015/55-1091-R, dated the 7th February, 1956, of the Government of Bihar, describing Hajams as a backward community

The Patna High Court held that the counsel for the appellant had not been able to produce any material for holding that Hajams (Hindu and Muslims) were not socially and educationally backward On the other hand, the Court relied on Mr P C Roy Choudhry's Gazetteer of Darbhanga District at page 86, wherein it was pointed out

> "The incidence of literacy among them appears to be very low but a few of them who are educated have taken up other professions also"

Their educational backwardness was thus beyond question Socially also, there was no data to show that they were not backward *Hence there was no ground for striking down the notification for the sole reason that the classes had been described by their caste name*

B C Swain v *Secy W &T Deptt*[26] involved challenge to the government order for leasing out of the road-side lands to the Express Highway No 1 for agricultural and piscicultural purposes temporarily on annual basis to landless Harijans preference being given to the Fishing Cooperative Societies of the landless Harijans

It was contended that Harijans did not come under the Scheduled Castes enumerated under the Constitution Unless Harijans come under the category of "any socially and educationally backward classes of citizens" the order would be a violation of article 15 on the ground of discrimination based on *caste* as it was Further, there was no evidence nor was there any presumption that *Harijans* as a class were socially and educationally backward

The court held that there was no caste as '*Harijans*' There is no definition of 'Harijans' at any place This term is of recent origin—towards the middle of 1920s, the father of which was Mahatma Gandhi According to the Lexicon (Bhashakosh) the caste Hindu who looked down upon the non-caste Hindus took some of the castes as untouchables and that comprised this category So Harijans are people of those castes whom the non-Harijans or the caste-Hindus or Sabarna-Hindus viewed as untouchables It follows, therefore, that *Harijans* is not a caste but a conglomeration of people of different castes who were taken to be untouchables by the Sabarna-Hindus The argument, therefore, that a classification like Harijans was based on caste, was not correct The term 'Harijan' carried with it something more than the concept of a caste The interveners in the instant writ petition had averred in the affidavit that the Harijans were landless labourers cultivating the lands of others and had formed a society to evolve ways and means for their employment The court found the evidence sufficient to infer that the Harijans belonged to backward classes The court also went a step further adding that it could take judicial notice of the fact that they were backward socially and economically The court upheld the government order

In *State of A P* v *P Sagar*[27] however, the Supreme Court invalidated the *castewise* classification made by the State on the basis that the State had failed to specify the criteria on which it had made that classification Orders of the Government of Andhra Pradesh regulating admission to Medical colleges and making reservation for socially and educationally backward classes were challenged In the instant case Justice Shah on behalf of the Supreme Court refused to accept as final the state's averment in the affidavit and observed —

> When a dispute is raised before a court that a particular law which is inconsistent with the guarantee against discrimination is valid on the plea that it is permitted under cl (4) of Article 15, the assertion by the state that the officers or the State had taken into consideration the criteria which had been adopted by the courts or that the authorities had acted in good faith in determining the socially and educationally backward class of citizens would not be sufficient to sustain such claim By merely asserting that the law was made after full consideration of the relevant evidence and criteria which have a bearing thereon, and was within the exception, the jurisdiction of the courts to determine whether by making the law a fundamental right has been infringed is not excluded[28]

25 A I R. 1968 Pat 296
26 A.I R 1974 Orissa 115
27 A.I.R. 1968 S C 1379
28 *Id* at 1384

The Supreme Court in this case upheld the decision of the Andhra Pradesh High Court in *P Sagar* v *State of Andhra Pradesh*[29] and agreed with the latter's view that no enquiry or investigation had been made by the state government before preparing the list of backward classes enumerated in the government order and the State had placed no material before the Court on the basis of which the list was prepared

Shah J further pointed out that the expression 'class' meant a homogenous section of the people grouped together because of certain likeness or common traits and who are identifiable by some common attributes such as status, rank, occupation, residence in a locality, race, religion, and the like In determining whether a particular section forms a class, caste could not be excluded altogether But in the determination of a class a test solely based upon the caste or community would not also be accepted Parliament by amending the Constitution and enacting clause (4) attempted to balance as against the right of equality of citizens, the special necessities of the weaker sections of the people, by allowing a provision to be made for their advancement Reiterating *Balaji* principles, the judge said that the criterion must not be based solely on religion, race, caste, sex or place of birth and the backwardness being social and educational must be similar to the backwardness from which the Scheduled Castes and the Scheduled Tribes suffer

In the *Sagar* case the Supreme Court had a good opportunity to remove the gloss put on *Balaji* and *Chitralekha* cases by *Rajendran* decision But what the court has done in Sagar was to invalidate castewise classification of backward citizens without distinguishing Rajendran Further, certain observations of the Court in Sagar tend to make the confusion more confounded by quoting two contradictory statements from Chitralekha and Rajendran respectively From *Chitralekha*

> The juxtaposition of the expression "backward classes" and "Scheduled Caste" in Article 15(4) also leads us to a reasonable inference that the expression "Classes" is not synonymous with castes [30]

From Rajendran

> But it must not be forgotten that a caste is also a class of citizen [31]

After quoting the above two statements the Court concluded that Rajendran "makes no departure from the earlier cases"[32] The way to reconcile the two cases—*Rajendran* and *Sagar*—is that in the former "castes" classified as "backward" were classified on the basis of their backwardness and not because they were "castes" as such and the state had produced evidence in support of the classification made by it but in *Sagar* the state had failed to produce evidence in support of its order

Next came the decision of the Supreme Court in *A Periakarumpan* v *State of Tamil Nadu* [33] In this decision unitwise distribution of seats for the Medical Colleges was invalidated as violative of articles 14 and 15 Nevertheless reservation of 41% of the seats for backward classes in Medical Colleges of the State of Tamil Nadu was held to be valid and the list of backward classes prepared on the basis of caste was approved as valid on the authority of the decision in *Rajendran*, Justice Hegde, on behalf of the Court, though cited *Balaji* and *Chitralekha* to the effect that caste may be considered as a relevant factor in the determination of the backward classes, proceeded to observe that, "A caste has always been recognised as a class" For this preposition he relied on the authority of Rajendran that the classification of backward classes on the basis of caste is within the purview of article 15(4) if those castes are shown to be socially and educationally backward He also referred to the report of the Backward Classes Commission (Kaka Kalelkar Commission) appointed by the President under article 340 of the Constitution on the primacy of "Caste" in determining the backwardness prevalent in the Indian Society The list of backward classes impugned in this case was the same as that in the *Rajendran* case wherein certain castes were classified as socially and educationally backward on the basis of occupations pursued by them As stated already *Rajendran* was referred to as authority for the decision in this case The court further added that the petitioners had also not discharged their onus to prove that the reservation for backward classes made was not in accordance with article 15(4)

In the instant case candidates of backward classes had secured about 50% of the seats in the general pool Therefore, the judge also impressed on the state the need to revise the list of backward classes in the light of progress made by such classes socially and educationally [34]

29 AIR 1968 AP 165
30 *Chitralekha* at 1839 quoted in *Sagar* at 1383
31 *Rajendran* at 1014 quoted in *Sagar* at 1383
32 *Sagar* at 1383
33 AIR 1971 SC 2303
34 *Id* at 2310-11

The reservation of 41 per cent for backward classes, Scheduled Castes and Scheduled Tribes was held to be not excessive

In *Sardool Singh v Medical College*[35] petitioners who were candidates and who had been refused admission to medical colleges in the state of Jammu and Kashmir challenged the admission of some of the respondent candidates on the basis that such admissions were not permissible under articles 14, 15 and 29 of the Constitution

Reservation for the Scheduled Castes and Other backward classes were made in the following manner

(a) Permanent Resident Scheduled Caste 5%
(b) Permanent residents of Ladakh District 2%

Among other things, it was contended that reservation for persons belonging to Ladakh or to the Scheduled Castes was also not proper This argument, was rejected because article 15(4) specifically authorises the State to make special provisions for the advancement of socially and educationally backward classes of citizens or members of the Scheduled Castes In the instant case the Government had indicated the data on the basis of which it reached the conclusion that members belonging to the district of Ladakh and those belonging to the Scheduled Castes were backward classes of citizens The materials on the basis of which the notification of the government was passed had not been challenged nor had it been shown to the satisfaction of the court that persons coming from Ladakh were not backward The High Court relied on (*P Rajendran v State of Madras*) wherein reservation on the ground that certain candidates belonged to a particular district which was backward was upheld provided the reservation was not made purely on the *basis of the place of birth* In this connection the judge said that Ladakh was only one of the districts of the State and the citizens belonging to that area had been declared by the Government to be socially and educationally backward so as to come within the protection given by Art 15(4) of the Constitution of India Thus the reservation made by the Government for candidates from the Ladakh district and members of the Scheduled Castes was held to be valid and could not be struck down as being violative of articles 14, 15 or 29 of the Constitution

As a sequel to the Supreme Court decision in the Sagar case the Andhra Pradesh Government set up a Backward Classes Commission to determine criteria to be adopted in classifying backward classes in the State of Andhra Pradesh The Commission was required to investigate and determine the various matters regarding the preparation of list of backward classes for providing reservation in educational institutions and also for appointment for posts in government service The Commission submitted its report in 1970 to the Government and recommended a list of 92 classes, which in its opinion were socially and educationally backward for whom reservations have to be made With respect to social backwardness the Commission after making an exhaustive study through questionnaries and personal visits, of the trade or occupations, carried on by the persons concerned and other allied matters, indicated that only those belonging to a caste or community who have traditionally followed unclean and undignified occupation could be grouped under the classification of backward classes It particularly referred to the *general poverty* of the class, the occupations of the class of people the nature of which is considered inferior or unclean or undignified or unremunerative or which does not carry influence or power and caste in relation to Hindus.

As regards educational backwardness the Commission took into account the fact that the average student population in classes X and XI in the State worked out to about 4 55 per thousand On this basis, it concluded that communities whose student population in those cases is well below the state average have to be considered as educationally backward The Commission recommended 30% of seats to persons belonging to backward classes On the basis of the Report of the Commission, the Government of Andhra Pradesh accepted the following criteria recommended by the Commission

(i) The general *poverty* of the class of community as a whole
(ii) *Occupation* of the class of people the nature of which must be inferior or unclean or undignified and unremunerative or one which does not carry influence or power
(iii) *Caste* in relation to Hindus
(iv) Educational backwardness

The state government by G O No 1793/Education of September, 1970 made a reservation of 25 per cent of the seats in the Medical colleges for backward classes enumerated therein on the basis of the report of the Backward Classes Commission

35 A.I.R 1970 J&K 45

The reservation for Scheduled Castes and Scheduled Tribes was 14% and 4% respectively. Thus, the total reservation was 43%.

This order was challenged in the High Court of Andhra Pradesh[36] which invalidated it, *on the basis* that the Commission had classified groups as backward classes mainly on the basis of caste which was contrary to the principle evolved in the Balaji case by the Supreme Court. On appeal the Supreme Court speaking through Justice Vaidialingam reversed the High Court decision in *State of A. P. v. Balaram*[37] and upheld the Andhra Pradesh Backward Classes Commission's determination of social and educational backwardness. He surveyed the salient recommendations of the Commission and held that if a caste was *wholly* socially and educationally backward, its inclusion in the backward classes by their caste name was not violative of article 15(4). He also observed:

> It should not also be missed that a caste is also a class of citizens and that a caste as such may be socially and educationally backward. If after collecting the necessary data it is found that the caste as a whole is socially and educationally backward, in our opinion, the reservation made of such persons will have to be upheld notwithstanding the fact that a few individuals in that group may be both socially and educationally above the general average. There is no gainsaying the fact that there are numerous castes in the country which are socially and educationally backward and therefore a suitable provision will have to be made by the State as charged in Article 15(4) to safeguard their interest.[38]

The Court referred with approval its observation in the earlier case of *Triloki Nath v. State of Jammu and Kashmir*[39] on the scope of article 16(4) relating to reservation for backward classes in public employment. In that case the Court held that the members of an entire caste or community may in the social, economic and educational scale of values, at a given time, be backward and may be on that account be treated as backward classes, but that is not because they are members of a caste or community, but because they form a class. Therefore, assuming that a list of backward classes is based exclusively on caste, if it is clear from the materials and reasons given by the state that the entire case is socially and educationally backward, its inclusion in the list of backward classes is not unconstitutional.

However in *State of U.P. v. Pradip Tandon*[40] involving reservation of seats in the medical colleges of U.P. for hill, Uttarkhand and rural areas, Chief Justice Ray, on behalf of the Supreme Court, emphasised that the use of prohibited grounds of discrimination such as race, religion or caste for purpose of determining social and educational backwardness would stultify the prohibition of discrimination on those grounds in article 15(1). In view of this prohibition in article 15(1) and the emphasis on classes in article 15(4), "The socially and educationally backward classes of citizens are groups other than groups based on caste". He further said that classes of citizens meant a homogeneous group of people with some common traits and who are identifiable by some common attributes. The homogeneity of the class of citizens is social and educational backwardness. He emphasised the *economic* element in backwardness:

> Backwardness is judged by economic basis that each region has its own measurable possibilities for the maintenance of human numbers, standards of living and fixed property. From an economic point of view the classes of citizens are backward when they do not make effective use of resources.[41]

The facts of this were: There were in all 758 seats in the six medical colleges of Uttar Pradesh. Of those 26 had been allotted for nominees of the Union Government. The remaining 732 seats were to be filled up by combined pre-Medical list. By different orders issued by the State Government a number of seats were reserved for various classes:

(i)	Girl candidates	20%
(ii)	Candidates from rural areas	12%
(iii)	Candidates from hill areas	3%
(iv)	Candidates from Uttarkhand Division	3%
(v)	Candidates belonging to Scheduled Castes	7%
(vi)	Candidates belonging to Scheduled Castes from rural areas and	3%
(vii)	Candidates belonging to Scheduled Tribes	1%
	Total	49%

36. W.P. Nos. 6090 of 1970, 221 of 1971 and 543 of 1971 dated 13.5.1971 (Andhra Pradesh).
37. A.I.R. 1972 S.C. 1375.
38. *Id.* at 1395-1396.
39. A.I.R. 1969 S.C. 1.
40. A.I.R. 1975 S.C. 563.
41. *Id.* at 567.

Consequently, 368 seats remained as general seats which amounted to 51% of the total number of seats open to the Test

On challenge before the Allahabad High Court, the Court of *Subhash Chandra* v *State of U P*[42] upheld the reservation With regard to reservation for candidates from rural areas, hill areas and Uttarkhand division, the court stated that the citizens of those areas formed socially and educationally backward class of citizens 49 per cent reservation was held to be not excessive On appeal to the Supreme Court in the *Pradip Tandon* case[43] Chief Justice Ray upheld reservations in medical colleges for persons from hill and Uttarkhand areas in U P He felt that absence of means of communications, technical development and educational facilities kept the poor and illiterate people in those remote and sparsely populated areas backward

Chief Justice Ray, however, invalidated reservation of seats in medical colleges for *rural* areas He repudiated the argument of the Attorney-General that poverty was one of the elements in determining social backwardness The proposition that rural population was poor and urban population was not substantiated by facts He said that the rural population consisting of 80 per cent of the total population of U P was heterogeneous in character and that not all of them were socially and educationally backward "Population cannot be a class by itself Rural element does not make it a class"[44] The poor marks obtained by the rural candidates was not a valid criterion for determining social and educational backwardness The admission of 85 candidates from rural areas into the medical colleges in the instant case bore testimony of the high standards of education in rural areas Also the special need for doctors in rural areas did not render all the people in those areas backward

As the criterion of place of birth in rural areas made the "basic qualification" it was held that the classification violated article 15(1)

Chief Justice Ray also held that he onus of proof was on the State to establish that "the reservations are for socially and educationally backward classes" This amounted to a repudiation of the rule in *Rajendran* and *Balram* cases which required the petitioners to prove that an entire caste group classified as backward was not backward—a very difficult burden to discharge particularly in cases when the State does not state the criteria it has employed in the classification of social and educational backward classes

The Supreme Court in this case partly upheld (reservations in respect of hill and Uttarkhand areas) and partly reversed (reservations in respect of rural areas) the Allahabad High Court judgement in *Subhash Chandra* v *State of U P*[45]

Another Supreme Court decision of recent vintage was *K S Jayasree* v *State of Kerala*[46] an off-shoot of the acceptance of the recommendations of the Kerala Backward Classes Commission (Kumara Pillai Commission) by the Kerala Government This Commission was set up in 1964 and it submitted its report in 1965 The Commission adopted a means-cum-caste/community test (application of income test within the backward classes) and recommended that people in Kerala who are members of families which have an aggregate income of less than Rs 4,200 per annum from all sources and which belong to caste or communities stated in Appendix VIII, constitute backward classes Kerala Government agreed with the Commission's recommendations but raised the financial ceiling initially to Rs 6 000 and subsequently to Rs 10,000 Those government orders were challenged in the Kerala High Court In Shameem v *Medical College, Trivandram*,[47] the single Judge quashed the government order holding that irrespective of their economic status all families from the backward classes were entitled to protective discrimination as "the test of poverty cannot be the determining factor of social backwardness" The ceiling of Rs 6,000 was also held to be arbitrary However, on appeal, the Division Bench of

42 A I R 1973 All 295 decided on 27 10-1972 However in *Dilip Kumar* v *Government of U P* A I R 1973 All 592 (decided on 31 1 1973) the Allahabad High Court quashed the reservation in favour of candidates from hill and rural areas Though there was justification for reservation of candidates from Uttarkhand the same could not be said of reservation for hill areas other than Uttarkhand and rural areas Apparently *Satish Chander* decision was not even referred to by the Court in *Dilip Kumar* which invited the caustic comment of the Supreme Court in *Pradip Tandon's* case in the following manner

"It is desirable from the point of view of judicial propriety to refer to earlier decisions of the same High Court A I R 1975 S C 563 at 565

43 *Supra* note 40

44 A I R 1975 S C 563 at 568

45 A I R 1973 All 295

46 A I R 1976 S C 2381

47 A I R 1976 Ker 54 See also however *Lala Chacko* v *State* A I R 1967 Ker 124 involving a challenge to the means cum-caste test formulated by the Kumara Pillai Commission In this case the petitioner a Nair boy whose father's annual income was less than Rs 6 000/ challenged the reservation on the ground that members of the *Ezhava* community the income of whose families is below Rs 6 000/ had been treated as backward class If income were the criterion for classifying backward classes he was entitled for reservation Rejecting his claim Justice Mathew (as he then was) held that the identification of backward classes was a complex question Several factors came into play It was not on the basis of income alone that the issue was determined

the same High Court in *State of Kerala* v *Krishna Kumari*[48] reversed the decision of the Single Bench and upheld the government's order The High Court held that economic backwardness plays a part in social and educational backwardness So poverty or economic standard is a relevant factor In the view of the Chief Justice Nair

> The real question is, should social and educational backwardness of the castes resulting from historical reasons be perpetual and the castes as a whole treated as socially and educationally backward even if there is a group of persons in the castes who are not socially and educationally backward Should all the members of such a community always remain backward The communities described in Appendix VIII to the Report as such therefore do not lose a single seat that had been reserved for them earlier before the present Report of the Commission had been accepted by the order of the Government The Competition is between the more advanced section of the castes and the less advanced

The Court felt that the Commission had material before it to conclude that those among the castes who were economically better off were not socially backward The Court also felt that it was not for it to weigh the quantum of evidence before the Commission or substitute its own view for that of the Commission in this matter

The Supreme Court in *Jayasree* v *State of Kerala*[49] upheld the decision of the Kerala High Court Chief Justice Ray held that neither caste nor poverty would be the sole determining factor of social backwardness He upheld the validity of the impugned order on the basis that the classification made by it was based not on income but social and educational backwardness He also declared that a classification based only on poverty was not logical

In reality the classification in the instant case was made on the ground of poverty The test of poverty was based on the income The purpose of classification was to group the backward castes listed by the Commission into more affluent and less affluent on the basis of certain income limit and to deny protective discrimination to the former group This is clearly brought out by Chief Justice Nair in *Krishna Kumari's* case

> The idea in making the reservation is to give the members of such caste or community an equal opportunity with those who are treated as socially and economically advanced classes of the society If a group in those castes/communities were able to advance socially and educationally and economically to make reservations for them would be to deprive the chances of the really socially and educationally backward classes of people in those communities/castes[50]

The basis of the proportion of population of backward classes scheduled castes and scheduled Tribes to the total population of the State of Maharashtra in fixing the quantum of reservation for admission to Medical Colleges in the State and the provision for carrying forward of vacant reserved seats of one sub group to the other group were challenged in *S G Pandit* v *State*[51]

Rules framed by the Government of Maharashtra for admission to Government Medical Colleges in the state were challenged by the petitioner who sought admission in B J Medical College in Poona and was refused admission following the rules

Rule were

Admissions are granted once a year only at the Medical Colleges in the beginning of the academic year Except the seats for the nominees of the Government of India and the seats of the B J Medical College, Poona and Miraj Medical College, Miraj all the seats at each medical college are earmarked for the students of the universities to which the particular medical college is affiliated

Rule 4(d) provided as follows

The percentage of seats reserved at each medical College will be

	Categories	*Percentage of reservation*
1	Scheduled Castes and Nav Budhas converted from Scheduled Castes	13 per cent
2	Scheduled tribes including those outside specified areas	7 per cent
3	Denotified tribes and nomadic tribes	4 per cent
4	Other Backward classes	10 per cent

Reserved seats remaining vacant in any of the above groups for want of students in that group should go to other groups even if the percentage in a particular group exceeds the percentage prescribed

48 A I R 1976 Ker 54
49 A I R 1976 S C 2381
50 A I R 1976 Ker 54 at 60
51 A I R 1972 B [illegible] 43

for that group provided that the total *percentage of the seats does not exceed 34 per cent of the total seats for backward classes* These seats should go to the members of the general public only when backward class students from any of the above mentioned group are not available to fill up the seats *The above percentage should be inclusive of the numbers of students who get admission on merit and should not be in addition thereto*

One ground which was urged by the petitioner was that the reservations made for the scheduled castes and scheduled tribes and backward classes on the basis of the proportion of these communities to the population of the State, as stated in the affidavit filed by the State, was irrational, and further that the classification of the other backward classes on the basis of castes was illegal He contended that the provision in rule 4(d) that the reserved seats remaining vacant in any of the reserved group for want of students in that group should go to the other groups of scheduled castes and scheduled tribes and backward classes, was also unworkable and irrational

The High Court found no substance in any of those contentions It was possible that some other mode of reserving the seats might be adopted, but it could not be said that the basis of the proportion of population adopted by the Government of Maharashtra in reserving seats for scheduled castes and scheduled tribes and other backward classes on the basis of the last census was in any manner unreasonable The court relied on the *Balaji* case and applying the principles enunciated therein to the facts of the present case, found that the Government had adopted an objective and just test for determining the proportion of seats to be reserved in the medical colleges

The petitioner further submitted that since the rest of the population of the State was not concerned with the Shivaji and Poona Universities, it was illogical to adopt the basis of the proportion of those communities to the entire population of the whole State in determining the proportion of seats to be reserved in medical colleges in the areas of Shivaji and Poona Universities The court found nothing illogical in it Reservation was permitted under Art 15(4) for the backward classes, perhaps there was no better basis for such reservation than the proportion of the population of the backward classes to the whole population of the State It would be totally unreasonable to expect the State to take a separate Census of the backward classes population only of the areas of the two universities or of each of the Universities in the whole State

The contention of the petitioner that the rest of the population of the State was not interested in the admissions of the medical colleges at those two Universities had to be rejected because the Government of Maharashtra was justified in adopting a uniform rule of reservation in respect of all parts of the State, and if it had adopted a uniform rule on the basis of the population, there was nothing in it which was irrational or was hit by Article 14 or 15

It was further contended that the reservation of the seats to students of these communities was also vitiated by the fact that they were qualified to apply for admission even if they got 40 per cent marks as against the minimum of 45 per cent prescribed for other students and thereby the Government instead of advancing the backward communities was encouraging them to be less advanced than the others This argument ignored the very purpose for which Article 15(4 was enacted One of the ways by which the conditions of backward classes could be ameliorated is to make students, who get even somewhat lower marks, to be eligible for admission to medical collges, and this must be considered as a measure in advancement of these backward communities

Similarly, the contention of the petitioner that the rule of carrying forward the vacant seats in a particular group to the groups in the backward classes was unworkable, had no merit because, Rule 4(d) was very practical and reasonable and easy of application The four groups mentioned in the rule are "socially and educationally backward classes of citizens and scheduled castes and scheduled tribes" Under the rule 34 per cent seats were reserved for all the four groups together and within the said 34 per cent seats, further a special provision was made for filling up vacant seats reserved for any one or more of the four groups by throwing them open to students belonging to the remaining groups All the four groups formed one category of socially and educationally backward citizens and they were to be given preference Therefore, provisions were made for filling up vacant seats among the seats reserved for them The sub-division into the four groups was made obviously only to allocate the reservation to the four groups falling under the one category of socially and educationally backward citizens so that the comparatively brighter students in one group may not keep out the students of the other groups This was permissible under Art 15(4) of the Constitution and consistent with Art 46 which requires the State "to promote with special care the educational and economic interests of the weaker

section of the people and in particular, of the scheduled castes and scheduled tribes The petitioner could not, therefore, challenge Rule 4(d) on the basis that after reserving seats for each of the groups, it further made special provision for the benefit of those groups by throwing open the vacant seats in one group for students of the other groups or on the grounds that vacant seats in any of the four groups should be thrown open to all students on merit without making them again available to students belonging to the said groups

II *Quantum of Reservation When Excessive?*

The quantum of reservation to be made is primarily a matter for the state to decide However, it should not be excessive What is the limit? The Supreme Court in *Balaji s case*[52] while striking down 68 per cent total reservation in favour of Backward Classes, Scheduled Castes and Scheduled Tribes aptly observed that a special provision envisaged by Article 15(4) must be within reasonable limits The interest of weaker sections of society which are to be protected by the state have to be adjusted with the interest of the community as a whole The adjustment of those competing claims is a complex task but,

> if under the guise of making special provision, a state reserves practically all the seats available that clearly would be subverting the object of Art 15(4) In this matter again we are reluctant to say definitely what would be a proper provision to make speaking generally and in a broad way a special provision, should be less than 50 per cent how much less than 50 per cent would depend upon the relevant prevailing circumstances in each case

Accordingly the Court held that reservation of 68 per cent made by the impugned order of the Mysore Government was violative of Article 15(4) and as such was a fraud on the constitutional power conferred on the State [53]

A scheme providing for excessive reservation in favour of Harijans, Adivasis and backward classes in the disposal of riverbed lands was challenged in *Dahyabhai Chaturbhais* v *State*[54] A Government circular had regulated the disposal of river bed lands to certain groups of people to the exclusion of others after cancellation of the existing order regarding the disposal of such lands by public auction The priority for disposal of such lands were

(i) *Bona fide* agriculturists of the village holding not less than 5 acres, preference will be given to Harijans Adivasis and Backward Classes people

(ii) Holders of land adjoining *Bet Bhatha* lands holding land less than 16 acres who in the collector s opinion have a genuine need of additional lands for maintenance of their families *inter se* preference in this case also will be as per (i) above

(iii) Co-operative farming societies of Harijans Adivasis and Backward Class persons

(iv) Co-operative farming society consisting of landless labourers or small holders

(v) Any of the priority holders under the Water Land Rules

The Gujarat High Court held that the effect of those clauses was not to make a special provision for small land holders or landless people who need the land for their maintenance and who could not bid at the public auction as against rich people The whole classification was based on two essential principles— that the individual would be excluded both by cooperative society and by an individual member of Harijans, Adivasis and Backward class people The state did not produce any list even though the State had been given proper opportunity to file an additional affidavit of persons who were regarded as backward class people and for whose benefit this reservation was sought to be made There was therefore no material whatever to indicate the category of backward class people as understood in the relevant Government Resolution Besides the reservation was so excessive as in cases of Harijans, Adivasis and Backward Class people that they would completely exclude *bona fide* agriculturists having no land or having landless than 5 acres who would have fallen otherwise under the first category of priority holders Almost all the 100 per cent land would go to those Harijans Adivasis and Backward persons and the reservation would cease to be a reservation within the meaning of Article 15(4) The Government order was held to be unconstitutional

Excessive reservation in favour of Scheduled Castes and Scheduled Tribes in the settlement of *ganja* shops was struck down by the Patna High

52 A I R. 1963 S C 649
53 *Id* at 663
54 11 Guj L R 386 (1970)

Court in *Abdul Latiff* v *State*[55] The Bihar government had issued the following guidelines for the settlement of *ganja* shops in favour of the Scheduled Caste and Scheduled Tribe applicants by an order of 20th August, 1958

(i) Intimation to be given to the Department of social welfare who would give due publicity among the Scheduled Castes and Scheduled Tribes

(ii) When there are several candidates for an excise shop out of whom *one* is a Scheduled Caste or Scheduled Tribe candidate who is suitable, the settlement should be made not by lot but by offering to that applicant.

(iii) If there are more than one suitable Scheduled Caste or Scheduled Tribe candidates, settlement is to be done by lot among such suitable candidates and the winner would get the shop

(iv) Scheduled Caste and Scheduled Tribe candidates should not be rejected except after careful consideration of the matter

The application of petitioner, who was one among the 39 applicants, was rejected and he applied for a writ in the High Court of Patna for quashing the government order incorporating the guidelines

The court held that Article 15(4) was not an independent or substantive enactment but was an exception or a qualification to the main guarantee under Article 15(1) Therefore, it was not possible to interpret Article 15(4) in such a manner as to destroy or nullify the guarantee under Article 15(1) It was because the interest of the society as a whole was served by promoting the advancement of the weaker elements of that society that Article 15(4) authorises special provision to be made

The net effect of the government s order was to exclude candidates from all *other* communities in situations where there was a single candidate belonging to Scheduled Castes or Scheduled Tribes This amounted to 100 per cent reservation which was not warranted under Article 15(4)

III *No Degrees of Backwardness among the Backward Classes*

The question whether it is constitutionally permissible to sub-classify the backward classes on the basis of relative backwardness came up for decision in *Balaji s* case[56] In that case the Mysore Government s order of 1962 had divided the backward classes into two categories, namely (i) Backward classes and (ii) More Backward Classes Out of 50 per cent fixed as the quota for backward classes 28 per cent was fixed for backward classes *and 22 per cent for more backward classes* The Supreme Court held that such sub-classification of the backward classes was unconstitutional under Article 15(4) In effect Article 15(4) makes special provision for the really backward classes in making two categories of backward classes, the Order in substance had devised measures for the benefit of all the classes who were less advanced compared to the most advanced classes in the State The upshot of the method adopted by the Order was that nearly 90 per cent of the population was treated as backward This case is authority for the proposition that the concept of backwardness is not *relative* in the sense that classes which are backward in relation to the most advanced classes should be included in it

The Mysore High Court in *Ramakrishna Singh* v *State of Mysore*[57] (pre-Balaji decision) held that *the list of backward classes including 95 per cent* of the population of the state was a fraud on the Constitution because it excluded communities who represented five per cent of the population This was more a discrimination against the excluded class of population than a provision for the backward classes Besides it was a provision not for socially and educationally backward classes, but for the classes who were comparatively backward to the most advanced classes This was not warranted under Article 15(4)

IV *No Prohibition on Backward Classes to Compete With Others*

In *V Raghuramulu* v *State of Andhra Pradesh*[58] (a pre-Balaji decision) the applicants belonging to backward classes applied for admission to Medical Colleges They were interviewed but were not selected on the basis that a maximum of 15 per cent of the total number of seats allotted for the backward classes was exhausted by the other applicants from backward classes who secured higher marks than the petitioners, though in fact they got higher marks than the two candidates who were selected for the seats thrown open for general com

55 A.I.R. 1964 Pat. 393

56 A I R 1963 S C 649

57 A I R 1960 Mys 338 this case is discussed in detail, see infra

58 A.I.R 1958 A.P 129

petition. The two candidates challenged the selection as violative of Articles 15 and 29(2)

Chief Justice K Subba Rao (as he then was) invalidated the reservation on a maximum percentage basis for the backward classes on the ground that such a provision would not be for the advancement of the backward classes On the other hand, if a maximum is fixed instead of providing for the advancement of those classes in the contingency visualised above, it would retard their progress for students of those classes who secure more marks than students who compete for the general seats and get less marks than students belonging to their classes, would not get seats To this extent the order of the government would be in excess of the power conferred on it under clause (4) and therefore, could not affect the fundamental rights of the citizens whether they belonged to the backward classes or not

The Court suggested that the rule may be modified by substituting the words minimum of 15 per cent for the words 'maximum of 15 per cent

In *P Sudarshan* v *State of Andhra Pradesh*[59] (a pre *Balaji* decision) which involved similar facts as the *Raghuramulu* case Chief Justice Subba Rao holding such government order invalid as violative of Article 29(2) pointed out that the rule should be evolved in such a manner as to protect the interests of students of the backward classes without simultaneously causing prejudice to students of other communities The judge suggested that this could be achieved by pooling all the candidates together and guaranteeing minimum seats for the students of backward classes By way of illustration if 100 applicants were to be admitted to the Medical College they would be arranged in the order of merit and even if more than 15 per cent of the candidates belonging to the backward classes could be selected on merit alone, they would be selected If they fell short of that number they would be selected to make up their number on the basis of merit *inter se* between them, though they secured less marks than boys belonging to other communities This process would protect students of backward classes without doing any injustice to the forward ones

In *Ramakrishna Singh* v *State of Mysore*[60] (a pre *Balaji* decision) two orders of Mysore Government dated 14th May 1959 and 22nd July, 1959 listing backward classes and their reservation for admission to professional colleges were challenged The list of backward classes included 95 per cent of the population of the State and all communities and castes of the Hindus other than Brahmins, Banias Kayastha and all the communities in the state except Anglo Indians and Parsis had been included in the list

The two orders had fixed 20 per cent for Scheduled Castes and Scheduled Tribes and 45 per cent for the socially and educationally backward classes and the remaining 35 per cent was to be filled up on the basis of merit.

The order of 22nd July 1959 had further subdivided the listed backward classes into several categories and fixed different percentages for the reservation of seats The net effect was that the persons *belonging to each sub group could only* compete for the seats reserved for them and were not eligible for the remaining seats reserved for the backward classes In other words they were debarred from competing for the remaining seats in open competition amongst the members of the backward classes listed in the orders

The Mysore High Court (now Karnataka High Court) through Justice S R Das Gupta held that socially and educationally backward classes of citizens could be determined on the basis of castes Other criteria such as geographical or occupational be employed to determine the socially and educationally backward classes

The Court also held that it was to the extent as provided in Article 15(4) that the fundamental rights conferred upon the citizens of the state by Article 15(1) and Article 29(2) could be abridged If the reservation in question could not be justified by the provisions of Article 15(4) then the same had to be struck down as violative of the fundamental rights of the citizens The court cited with approval the decisions of the Andhra Pradesh High Court in *Raghuramulu* v *State of A P*[61] and *Sudarsan* v *State of A P*[62]

The Court disapproved of the principles applied by the government of classifying the socially and educationally backward classes in the instant case In fact the 1941 census report was relied upon to determine backward classes in 1959 This was not justifiable in the view of the court, taking into account the considerable changes that had taken place since 1941 On the classification of educa

59 A.I R 1958 A P 569
60 A.I R 1960 Mys 338
61 *Supra* note 3
62. *Supra* note 4

tional backwardness the English Literacy test adopted by the State for the area covered by the old Mysore State was not approved by the court as an intelligible test for the whole of the New Mysore State Further no indication was given by the state on which the social backwardness of the communities had been determined The classes grouped under the Orders must be both socially and educationally backward Further the decision of the listed backward classes into various sub groups on the basis of the population of the com munity and the specification of the percentage of reservation of seats in respect of each group was held to be unconstitutional because the persons of each sub group could only compete for the seats reserved for that group and were not eligible for the remaining seats reserved for the backward class Hence the notification instead of benefiting the backward classes abridged their fundamental rights and could not be sustained under Article 15(4)

In *S A Partha* v *State of Mysore*[63] (a pre Balaji decision) an order of the Mysore Government making reservations for admission to technical and professional institutions based on the interim report of Dr Nagen Gowda Committee to determine criteria for identifying the socially and educationally backward classes in the state was challenged The Government had fixed 22 per cent reservation for backward classes, 15 per cent for Scheduled Castes and 3 per cent for Scheduled Tribes The remaining 60 per cent were to be selected on the basis of open competition on merit alone If any seats reserved for candidates belonging to the Scheduled Castes or the Scheduled Tribes remained unfilled the same was to be filled by candidates of other backward classes

As regards the legality of transferring unfilled seats out of the reservation made for Scheduled Castes and Scheduled Tribes to benefit other back ward classes the court said that it had to be exa mined in the light of the fundamental rights in Articles 15(1) and 29(2) of the Constitution

The Court held that when a reservation of a certain percentage of seats is made in favour of Scheduled Castes or Scheduled Tribes or other backward classes they could not on the basis of their backwardness ask for more seats than are included in the reserved percentage Compart mentalisation was open to objection from the point of view of the fundamental rights of both categories of citizens, namely the backward and the advanc ed classes To prevent a member of the category entitled to reservation from competing in the general category would violate his fundamental right To permit him to compete separately both in the reserved category as well as in the general category would result in the violation of the funda mental right of a member of the general category beyond the limits constitutionally permissible for the protection of the reserved category Hence, for a reservation of a certain number of percentage of seats to be constitutionally correct or appropriate, it should not be in the nature of compartmentali sation but in the nature of a *guaranteed minimum* in the course of a general competition among all categories of citizens

Regarding the transfer of unfilled seats of Sche duled Castes and Scheduled Tribes to other back ward classes the court said that those three groups were three different categories whose classification was based on different indicia and the classification of other backward classes might vary from time to time and with reference to the nature of their back wardness Consequently, it was held that the allotment of seats under the provisions of the impugned orders in favour of other backward classes in excess of the 22 per cent reserved for them in a manner otherwise than by open competition is an unreasonable restraint on the fundamental right of other citizens and, therefore, opposed to the Constitution

Conclusion

Points arising out of the Analysis of Judicial Decisions

1 The juxtaposition of socially and educational ly backward classes with the Scheduled Castes and Scheduled Tribes in Article 15(4) and the provision in Article 338(3) that the references to Scheduled Castes and Scheduled Tribes were to be construed as including such backward classes as the President may by order specify on receipt of the report of the Commission appointed under Article 340(1) shows that in the matter of their backwardness they are comparable to Scheduled Castes and Scheduled Tribes

2 The concept of backward classes is not rela tive in the sense that any class which is backward in relation to the most advanced class in the com munity must be included in it Hence the divi sion of backward classes into backward and more backward is unconstitutional

63 A.I.R. 1961 Mys 220

3 The backwardness must be *both* social and educational and not either social or educational

4 Article 15(4) refers to backward *classes* and not backward *castes* The test of caste would break down in respect of communities which have no caste In the prevalent Indian society caste, of course, is a relevant factor in determining social backwardness but it is not the *sole* or *dominant* test In the light of the latest decision of the Supreme Court (*State of U P v Pradip Tandon*) caste is not a synonym for class This case reiterated the *Balaji* approach The socially and educationally backward classes of citizens are groups other than groups based on caste Classes of citizens mean a homogenous group of people with some common traits and who are identifiable by some common attributes The homogeneity of the class of citizens is social and educational backwardness

- A classification based only on caste without regard to other relevant factors is not permissible under Article 15(4) However, if a *caste* was *wholly* socially and educationally backward its inclusion in the backward classes by their caste name is not violative of Article 15(4) (See *Rajendran* and *Balaram* cases) The State should have sufficient data to show this fact In fact the onus is on the state to prove that the criteria it has adopted in classifying backward classes are constitutionally permissible

5 Social backwardness is in the ultimate analysis the result of poverty to a vary large extent Social backwardness which is the offshoot of poverty will be aggravated by caste considerations of the poor people, this only shows the relevance of both castes and poverty in determining the backwardness

6 The occupations followed by certain classes of people which are looked down upon as inferior or unclean and place of habitation may contribute to social backwardness

7 In order that reservations would benefit the really needy ones in the socially and educationally backward classes of people, the fixing of income limit for family (meaning natural family) is valid. The means-*cum*-caste/community test is valid

8 Rural population as a whole cannot form socially and educationally backward class However, population in hilly backward areas form such a class

9 Reliance on outdated socio-economic data by the State for classification of socially and educationally backward classes has not been upheld by the courts

10 The proportion of population of backward classes to the total population of the state for purpose of reservation for admission to professional institutions has been held valid

11 The inclusion of a class in the list of backward classes should not be perpetual otherwise the whole purpose of reservation would be defeated Hence the list should be under constant periodical review by the State

12 The quantum of reservation to be made is primarily a matter for the State to decide However, it should not be excessive *Balaji* had struck down 68% reservation as inconsistent with the concept of special provision in 15(4) in *Balaji* it was said that in a broad way a special provision, should be less than 50 per cent, how much less than 50 per cent, would depend upon the relevant prevailing circumstances in each case'

13 Educational backwardness determined on the basis of the state average of the last two or three High School classes per 1 000 people of the community has been held to be valid However, the class to be educationally backward must be well or substantially below the state average For instance, below 50 per cent of state average would be obviously backward

14 Reservation for backward areas can be validly made Besides the cases discussed above reference may also be made to the *Janki Prasad* case discussed under Article 16(4) Consequently the Punjab High Court decision in *Gurinder Pal Singh* case (A I R 1974 Punj 125) is no longer good law

Vol IV

REACTIONS TO THE RESERVATIONS FOR OTHER BACKWARD CLASSES

A Comparative Study of Four States

A Report Submitted to the Backward Classes Commission
Ministry of Home Affairs Government of India

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Preface

This report on the reactions to the reservation schemes for the other backward classes has been prepared at the invitation from the Backward Classes Commission, Government of India It seeks to explain why the introduction of such reservation in Tamil Nadu and Karnataka was accepted by the adversely affected population without violent protest, and why similar measures in Bihar and Uttar Pradesh provoked a violent backlash In an investigation of this type, the search for the casual factors cannot be definitive One has to perforce rely on circumstantial evidence and derive broad conclusions

The Tata Institute of Social Science feels honoured that it has been entrusted with this difficult assignment I am grateful to Prof M S Gore, our Director for entrusting this work to me and encouraging me in this endeavour I am immensely grateful to Shri B P Mandal Chairman BCC Shri Gill Secretary Shri Ghosh, Director and Shri Parthasarathy Joint Director for their encouragement They have been very patient with the delay in submitted this report

The Governments of Tamil Nadu Karnataka Bihar and Uttar Pradesh deserve my thanks for providing me the various documents and reports In the course of my data collection, I met many scholars civil servants politicians ministers journalists and other knowledgeable persons I cannot adequately express my gratitudes to them for sparing their valuable time

I thank Shri Siddharamappa Miss Lobe and Shri P P Patkar of the Institute for assisting me I also thank Shri Mohandas and Shri Jayakumar for undertaking the typing work

The responsibility for the conclusions reached is entirely my own

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Chapter I
Introduction The Problem and Hypotheses

It was stated in the Preface that the main objective of this report is to explain why the Uttar Pradesh and Bihar Government Orders of 1977 and 1978 providing for job reservations to the Other Backward Classes provoked a violent and virulent protest and backlash, and why the similar measures in Tamil Nadu and Karnataka were generally accepted by the forward castes More specifically we are examining why the forward castes in Bihar and U P had not only the willingness and anger to strike back, but also, the capability to do so and why their counterparts in Karnataka and Tamil Nadu did not have the willingness to resort to violent protest and even if they had lacked the capability for violent protest This pattern of caste conflict is only a part of the general canvas of the caste conflicts which are being increasingly waged in the country Conflicts among the various castes and caste groups on the single issue of reservation of seats and jobs are only a particular kind of manifestation of the general struggle and competition for ascendancy in the socio-political and economic realms These struggles and competitions are the pervasive features of the Indian politics although there exist considerable regional variations In some states like Gujarat Madhya Pradesh they are at a low key and in some other states like Bihar Karnataka U P they are intense In some states as in Maharashtra, the struggles may not be centering around the issue of job and seats reservation but manifest themselves in the form of resentment and atrocities The struggles may be confined to the control of political party or they may extend to other areas as well Again they may be violent or non violent But like the atrocities on the Harijans caste struggles, attended by violence for and against the inclusion of the castes in the Other Backward Classes categories under Articles 15(4) and 16(4) of the constitution will have to be considered as the more acute forms of such conflicts

The traditional hierarchization of the Hindu Society along the caste lines more or less corresponded with the political and economic ones Those groups which had a higher ascriptive social or ritual status were also generally high in terms of political power and economic strength, which meant mainly land in the pre British India This kind of a social organisation has been described by Dahl (1961) as one of cumulative inequalities It was also an inherently stable order since the various kinds of advantages and deprivations coincided with one another In terms of the concept coined by Galtmug (1972), we can say that the social ordering in the pre British India did not have rank disequilibrium That is, there was no caste generally speaking, which was very high on social power but very low on economic power or very high on economic power, but low on the ritual status This is not to deny that this inherently stable order was highly inegalitarian and morally reprehensible Also this hierarchization was not totally rigid and inflexible as it is often made out to be As Kothari (1970) has argued even in the pre British India the lower and tribal sections could make an entry into the middle order caste groups The military prowess on the part of some of the castes enabled them to wrest a higher caste status In many parts of India the Bhakti movement sapped the position of the Brahmins and other upper castes But such instances of secularization were few and far between and never overturned the hierarchization of the Hindu society

With the advent of the British rule the seeds of enormous changes were sown and this had many far reaching consequences The impact of the British rule, consolidation of the political regime introduction of the Western oriented educational system opening up of many avenues of occupation and profession has been competently analyzed by many scholars like Kothari (1970), Srinivas (1966) Beteille (1965) Singh (1973), the Rudolphs (1967) Rao (1979) etc The British rule produced many structural disturbances in the Hindu caste structure and these were contradictory in nature and impact *In the firs place* the British rule accentuated the disparities in the distribution of economic and political power, particularly in regard to the upper and intermediate castes The Brahmins in most parts of the country being the *literati* caste, responded promptly to the western liberal education and entered in big numbers into the government service

and the professions By the turn of the century, they also came to dominate the national movement In those provinces of India where for historical reasons, the Brahmins did not possess in abundance the advantage of being the sole *literati* caste, the other castes like the Kayasthas took to the western education and modernization The preponderance of the Brahmins of the Madras Presidency and the Princely Mysore State among the literates, and particularly the English knowing population, has been well established by Irschick (1969) and Manor (1977) The Brahmins in these and other areas had another advantage As Irschhick argues, the Brahmins in Madras had sizeable landholdings although they did not constitute the dominant element of the landed gentry The Brahmins particularly in South India were successful in converting their landed resources into more paying resources of the government service and professions Their links with the land became increasingly tenuous, as they became absentee landlords or sold out their lands to educate their children They became increas ingly urban oriented

Thus, the Britisn rule and the modernization it entailed aggravated the status differences between the various castes particularly, the Brahmins, Kayasthas on the one hand, and the landed gentry castes on the other *Secondly* the British rule the egalitarian system of justice and the liberal education injected into the system, new ideas of equality equality of opportunity etc In the beginning the ideas of equality of opportunity, or meritarian principles of justice came in handy for the *literati* castes, who almost monopolized the government jobs and professional opportunities in the name of full and free competition They knew that they had left the landed gentry castes like the Vellalas, Vokkaligas, Lingayats, Rajputs and Bhumihars lagging far behind But the meritarian principle of justice was soon challenged as the equal treatment of the unequals The distributive aspects of justice started appeal ing to the non *literati* caste leaders Again, the parity pollution concepts and social disabilities suffered in varying degrees by different castes came under severe criticism Thus, the Western ideals of social equality, equality of opportunity and treatment and distributive justice in terms of not merely economic but other social values provid ed a powerful impetus to many caste groups to get organized and demand a fairer dispensation These values were totally inconsistent with the hierarchically organized Hindu system, in which the distances between certain upper castes were widening, rather than narrowing This explosive mixture of contrary impacts produced different results It gives rise to genteel social reform movements aimed at eliminating caste disabilities edu ation of women, abolition of *sati* upliftment of the scheduled castes etc These were generally led by the enlightened members of the forward castes themselves, at least in the beginning In due course of time more militant, aggressive reform movements appeared, seeking to reject the Brahminical culture and dominance, as in the case of the Non Brahmin movement of Jyotibha Phule of Maharashtra and, more recently, the Self respect movement of E V Ramaswamy Naicker in Madras The Shri Narayana Dharma Paripalana Yogam movment of the Izhavas in Kerala was less militant, and more inward looking (Rao 1979) But, the urge for equality found a most powerful expression in what Srinivas has called Sanskritiza tion, which reached its peak in the first two decades of this century Sanskritization indicates the phenomenon of backward castes imitating the mores customs and rituals of the forward castes and laying claim to a forward caste status When this process was at its height, the census commis sions of the British Indian provinces were bedevil led by the plethora of claims to higher caste staus

Thirdly the British rule saw the establishment of countrywide communication networks like post and telegraphs railways and mass circulation of newspapers These facilities penetrated the isolat ed caste structures and enabled caste or similar caste groups to come together and form caste associations This to a great extent erased or diluted the sub-caste distinctions and the castes assumed a new role, unenvisaged by the Hindu ethic Sanskritization, militant reform on ejection movements were facilitated by the modern communications

Thus the various impacts of the British rule on the Hindu caste system, *viz* near monopoli zation of jobs, education and professions by the *literati* castes, the Western concepts of equality and justice undermining the Hindu hierarchical dispensation the phenamenon of Sanskritization genteel reform movements from above and militant reform movements from below, emergence of the caste associations with a new role set the stage for the caste conflicts in modern India two more ingredients which were very weak in the British period, *viz* politicization of the masses and universal adult franchise, became powerful moving forces after the Independenece

As Rao (1979) has shown in his comparative analysis of the Yadav movement (which was stronger in North India than in the South) and the Izhava movement of Kerala, the backward classes movements have varied in their support basis, extent of relative deprivation, goals they were seeking, and the means they adopted These variations were strongly determined by the different types of cleavages produced by the inherited social structure and the impact of the British rule He has identified four types of such movements In Madras, Karnataka and Maharashtra, the Brahmin Non-Brahmin cleavage appeared and the movements had the aim of reducing the dominance of the Brahmins in politics and professions The second pattern is noticed in the north, where the cleavage emerged between the generally forward and twice-born castes of Brahmins, Bhumihars Kayasthas, Rajputs, on the one hand, and the intermediate castes of Ahirs, Kurmis, etc on the other The third pattern indicated by Rao is that of a conflict between the depressed castes and the forward castes The Izhava movement in Kerala and the energetic movement of the Nadars in Madras, the movements led by Dr Ambedkar and the more recent movement of the Dalits in Maharashtra are the examples The tribal movements constitute the fourth type This otherwise powerful conceptualization on the part of the Rao does not recognize the full role of politics as a mechanism for the upliftment of the backward castes, the variation through time in the complexion of the movements, particularly in regard to the opposition reference groups, and the internal tensions within each camp As we shall see later, the self-respect movement started by E V Ramaswamy Naicker in 1925 infused fresh ideology into the moribund justice movement By the 1970's the non-Brahmin coalition disintegrated in Karnataka and a second phase movement of the smaller backward castes against the landed gentry castes of the Lingayats and Vokkaligas emerged The Bihar politics till recently was characterized by the Bhumihars and Rajputs conflicts, and the backward castes have not made a successful entry into politics there

It has been argued that only after the independence and introduction of the universal adult franchise the Indian society and polity, which has grown independently of each other were introduced to each other But this phenomenon of the Hindu social structure and the new political regime interacting with each other did not suddenly begin only after the independence Only that the ingredients of politics, franchise and mass participation, which were present even before the independence, assumed tremendous proportions after the independence—at least in some parts of India like Madras the Princely Mysore State, Bombay, Sanskritization lost its charm and utility to many backward castes After all, the process had offered only symbolic reward and satisfaction to the Members of these caste groups It did almost nothing to reduce the relative deprivation in terms of jobs, professional and educational opportunities The higher caste status, grudgingly given by the British census commissioners, or pompously adopted by the castes themselves, did not enable the backward castes to make a dent into the upper caste hegemony in government jobs, education, professions and the nationalist movement The backward castes too had to try to convert the existing resources into job opportunities, or generate new resources toward this end The genteel reform movements from the top had done little to fulfil their expectations Hence, many backward castes, within the limits of available mass mobilization franchise restrictions and access to governmental decision making centres, tried to demand a share in the case of job opportunities and educational facilities In this endeavour, the newly formed caste associations or their confederations played an important role This process began much before the independence, at least in some parts of India

The most striking success was achieved in this field by the Justice Party of the Madras presidency The party, formed in 1916, was mainly led by the Vellalas of the Tamil areas, Kammas, *ie*, Maidus, Reddis, Velamas of the Telugu areas and the Nairs of the Malayalam speaking Malabar district All these are only just one rung below the Brahmins and controlled the landed resources (The Tamil Christians too played a role, which was only marginal) Similarly, the Praja Mitra Mandali led by the non-Brahmin elite castes of Vokkaligas and Lingayats in the Princely Mysore State wrested job and educational reservations after 1921 In Bombay too certain reservations came to be provided by the Government for the intermediate castes like the Marathas All these successes were due not only to responsive British Governments (or the Prince of Mysore), but also to the new organizational and mobilizational capabilities developed by these castes

But, with the rising crescendo of the nationalist movement and its mass base, these caste groups realized that they would be isolated if they stood

aloof In the twenties and thirties of this century, these intermediate caste groups joined the national movement and the Congress Party In fact the Congress Party's rural thrust acquired a new momentum by development As Roy (n d) has argued, when the avenues and opportunities of upward mobility were limited, politics promised the necessary ladder "In other words, the political system has to discharge not only the strictly political functions but also the social functions Political system thus becomes in effect an extension of the social system where battle for upward mobility is carried" (*Ibid p* 63)

The entry of the intermediate and backward caste groups into politics and the struggle to dominate the Congress party, or at least to claim a proper share in the structure of the party and government were further accelerated by the advent of independence and the establishment of the universal adult franchise Once again in Dahlian terms, the structure of inequalities started becoming dispersed, but only to some extent Those caste groups which were low in terms of the ritual and social status, and advancement in jobs and professions, at least started acquiring political clout and leverage They sought to transform the latter into the former This in essence, is the structure of caste conflict According to the concepts of Galtung described above, the situation become inherently unstable due to increasing rank disequilibrium The conflicts started centering around the distribution of political spoils and patronage and the implementation of Articles 15(4) and 16(4) of the Constitution, providing for protective discrimination in favour of the socially and educationally backward classes and Scheduled Castes and Tribes

The toots of Constitutional provisions regarding protective discrimination in favour of the Scheduled Castes and Tribes go back to the decades of the freedom struggle In fact, the freedom movement itself was strengthened by the commitment on the part of the national elites to the welfare of these Castes and Tribes Enabled by Articles 15(4) and 16(4) of the Constitution the Union and the States have reserved government jobs, and seats in educational institutions in favour of these groups, generally in proportion of their population The national consensus in this regard among the contemporary elites and political parties is so strong that they vie with one another, at least ostensibly, in support of these measures. At the grass roots level, many sections do resent these provisions This resentment takes many forms The reservations for the Scheduled Castes and Tribes were provided, not because the Castes and Tribes were powerful and assertive, and possessed bargaining power, but because of the national consensus, which was hammered out by Gandhiji and Dr Ambedkar.

But, the Constitution provides for protective discrimination for the "Socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes" The phrase 'Socially and educationally backward classes' has provoked intense political controversies and conflicts, and an enormous amount of constitutional litigation What the framers of the Constitution meant by this phrase is abundantly clear The Indian society contains many sections whose economic position and social status are almost similar to those of the Scheduled Castes and Tribes, although they may not strictly be stigmatized by untouchability Hence, these sections have been called 'other' backward classes These are also in need of the same kind of protection that is given to the Scheduled Castes and Tribes In spite of the many judicial pronouncements on the meaning of the Phrase, 'socially and educationally backward classes', the states in India have not adopted any common criterion of this backwardness The criteria have changed from time to time even within a State The competition among the various middle order castes for being included in the backward classes lists constitutes an important part of the totality of the political struggles and conflicts that are being waged in the country today

When we look at the four States under study, *viz* Tamil Nadu, Karnataka, Bihar and Uttar Pradesh, we find striking variations in the reservations for the OBC's and inclusion of different castes in the OBC list As we will see later even the Tamil Nadu list has undergone many changes, but has not provoked any protest or overt resentment on the part of those classified as forward, which include not only the Brahmins but other intermediate castes The only trouble arose when in July 1979, the M G Ramachandran government superimposed an income criterion of Rs 9 000 on the OBC list This led to a vigorous protest led mainly by the DMK Finally, the order has been rescinded In Karnataka the reservation G O's have been embroiled in tortuous litigation and protest As long as the Lingayats had been classified as backward there was not much public agitation But their exclusion first

in the Havanur Commission Report (1975) and then in the G O s based on the Report have provoked the ire of the community But this ire has not manifested in any violent agitation The willingness to strike back is there but not the capability In U P and Bihar the reservation G O s were first issued in August 1977 and November 1978 by the Yadav and Thakur governments, respectively What these two governments did was to follow not Mysore (Karnataka) model of 1956 and 1960, which classified almost all the castes except a few as backward but the Debraj Urs model of 1977, in which substantial and dominant castes were left out of the classification In the game theoretical concepts the Thakur and Yadav governments sought to establish smaller coalitions of caste groups to enlarge the gains This provoked an avalanche of protest and agitation on the part of the adversely affected caste groups of Brahmins Rajputs Bhumihars and Kayasthas Processions bundhs agitations boycott of classes attacks on public property became the order of the day (It must be recorded however that the forward caste agitators did not dare attack the intermediate caste members personally) There were counter demonstrations also organised by the youths of Ahir Kurmi and Koeri castes

To seek to explain this phenomenon of back lash in U P and Bihar its absence in Tamil Nadu and Karnataka the following hypotheses have been formulated An attempt has been made to test them with the help of qualitative and impressionistic data gathered from documents published books and articles interviews with ministers legislators, and other politicians academicians journalists civil servants, and other knowledgeable persons in these states Each hypothesis has not been verified separately to avoid repetition

Hypothesis—1

> If the communal reservation scheme has had a long history retaliation by the forward castes is likely to be absent

The historical timing of the introduction of the scheme has a tremendous bearing on the reaction of the groups adversely affected by such schemes If the reservation schemes come to existence at a time when the levels of political organisation and mobilization of the groups are low they are likely to be accepted as a kind of *fait accompli* The groups kept out of the reservation schemes are likely to learn to live with the disadvantage and try to overcome them in various ways But if the reservation schemes are introduced at a time when the levels of political mobilization and organization are very high, then such groups are likely to resort to resistence

Hypothesis—2

> If the forward castes are divided against themselves, the chances of retaliation are less

Obviously, cohesion or unity on the part of the forward castes which are kept out by the reservation schemes, increases their capacity for retaliation If such forward castes themselves are divided politically or by the reservation scheme itself, their capacity to mount resistance and retaliation will be less If a reservation scheme divides the forward castes along the subcaste lines and includes some within the purview of reservation and excludes the others the unity of such castes is tremendously affected In other words, the fact whether the whole clusters of castes have been taken into account for forward/backward classification or their subcastes have been taken into account for forward/backward classification is a crucial one

Hypothesis—3

> If the backward and scheduled castes are not getting on well together, the retaliation on the part of forward castes is likely to be high

It has been discussed above how the various kinds of cleavages have affected the emergence and the nature of the backward class movements in different parts of the country If the intermediate castes can make a common cause with the Scheduled Castes and Scheduled Tribes and forge a common and united political phalanx then the backward class movement is likely to be very strong If for some reasons the Scheduled Castes and Scheduled Tribes and other minor artisan castes like the potters, the weavers the carpenters, etc feel threatened by the intermediate castes also having a stake in the land like the upper-castes the backward class movement will be considerably weakened There are many states in India where the weaker landless minority artisan castes and the Scheduled Castes look to the upper castes and not to the intermediate castes for their protection Also, if the artisan castes and the Scheduled castes feel that the operation of the democratic processes in the last 30 years had benefited the intermediate castes, they are likely to be less enthusiastic in joining hands with the intermediate castes in the backward class movement and agitation for supporting the reservation schemes

Hypothesis—4

> If the backward classes are also politicized and organized, the retaliation on the part of the forward castes is less likely

Either of the two following conditions is necessary for the viability and success of a reservation scheme In the first place the Government has to fully back it and standby the commitments The happened for example in the case of the Madras Presidency and the Princely Mysore State The British Governors executive councillors and ICS Officers of the Madras Presidency were fully persuaded that the Brahmin domination in the services and the professions must be reduced They were sympathetic to the cause of the Justice party from the beginning Similarly the then Maharaja of Mysore was also inclined in favour of giving the non Brahmins a fairer deal In the absence of such support from the top, a second condition has to be fulfilled If the backward classes have fully penetrated into the dominant party and the various corridors of power and have been politicized and organized they are in a position, or they have the potential to mount a counter retaliation in case the disaffected forward castes agitate against a reservation scheme

Hypothesis—5

> If the upper castes are suddenly faced with the prospect of losing their political and economic position, *i e* if a reservation scheme is likely to bring about a sudden rank disequilibrium then the chances of retaliation on the part of such castes are very high

In the United States much of the white backlash against the protective discrimination and other facilities given to the blacks has been spearheaded by those poor whites who were faced the threat of a sudden loss of status and prestige Similarly in India, if the upper castes face a similar sudden threat to their position they will be tempted to amount resistance and retaliation If for some reasons the upper castes continue to maintain their mobility and status in some other ways and avenues, they are likely to feel less threatened by the reservation schemes favouring the intermediate and the backward classes It is quite possible that in a couple of states under study the upper castes felt that the intermediate castes which have been included in the backward classes list are getting prosperous economically and also will have the added advantage of job and professional opportunities In such a situation of rank disequilibrium they are likely to retaliate against the reservation schemes

Hypothesis—6

> If the forward sub-castes persons can pass off as backward castes persons the likelihood of retaliation is less

On the face of it, this hypothesis may sound implausible No matter what a person does, he cannot shake off his caste label But, if an OBC classification takes into account the sub-castes of the various major caste categories and classifies some as forward and some others as backward it will be relatively easier for a person belonging to a forward sub-caste to pass off as one belonging to a backward sub caste While in the rural areas the village officers or the tahsildars may identify a person s sub-caste accurately and place him as either forward or backward in the urban areas it become very difficult for the government officers to disprove that a person does not belong to one sub caste and prove that he actually belongs to another sub-caste Particularly in the South Indian States of Tamil Nadu and Karnataka it is said that many applicants for jobs can manage to obtain any kind of certificate

Hypothesis—7

> If the State as a whole has experienced a kind of revivalism or is mobilized against outside symbols, the backward class movement against the forward castes is likely to be less powerful

As discussed in the theoretical sections of this Chapter an appropriate cleavage between the upper castes and lower castes is a necessary precondition for the mobilization of the lower castes into a backward class movement It is quite possible that historically speaking such cleavages may appear first But they are likely to be blurred if a sub nationalist revivalistic movement developes in that area These cleavages between the upper castes and lower castes need not be very durable ones As some non Brahmin castes get the advantage of reservation and political power they may improve their social and economic position considerably We then should expect a new cleavage to appear *i e* between those who have not gained from the reservation and those who have gained But this cleavage may be prevented from surfacing if any kind of a sub nationalist or revivalistic movement distracts the energies attention and the sense of relative deprivation of the really disadvantaged lower castes

Hypothesis—8

> The capacity on the part of the backward castes to retaliate is a function of (a) their numbers, (b) political consciousness, (c) dominance and (d) perceived lack of alternative opportunities

It stands to reason that if the castes which have been classified as forward have considerable numerical support and are possessing a high degree of political consciousness then their capacity to retaliate is likely to be high Similarly, if they are dominant economically and politically and are in control of the various positions of power patronage and economic surplus they are in a better position to resist the introduction of reservation schemes Again, if the members of these castes feel that they have no other alternative employment and occupational opportunities than the government jobs, they are likely to feel driven to the wall and will engage themselves in resistance But, if they perceive that they can go out of the state or pursue other job opportunities, their frustration will less and they are less likely to mount retaliation

Hypothesis 9

> If the non government tertiary sector is expanding, the retaliation on the part of the forward castes is less likely

This hypothesis is organically related to the preceding one If in a State the non governmental sector is expanding the members of those castes classified as forward may turn to such sectors If the economy of the state is growing slowly and if the government is the only or the predominant employer of the young graduates then the members of the castes classified as forward will feel deeply threatened and will be disposed to retaliate

Chapter II
Tamil Nadu From the Non-Brahmin Movement to Tamil Revivalism

The runaway lead taken by both the Tamil and Telugu Brahmin in the field of education in the erstwhile Madras Presidency has been well documented (Irschick, 1969 Arnold 1977) By the turn of the century the male literacy rate among the Tamil Brahmins was 73 6 per cent as against a similar rate among the Vellala of 69 per cent Whereas the male literacy in English was 17 9 per cent among the Tamil Brahmins it was only 0 19 per cent among the Vellalas The Brahmins had established a near monopoly of the government services and the professions As far back as 1851 the Madras Revenue Board had instructed the District Collectors to restrict the number of the Brahmin entrants into the service In spite of this, the Brahmin domination of the government services and the professions went on unabated The caste s domination in the Provincial Congress Committee had been well established Alerted by the Advent of the Montagu Chelmsford reforms and dyarchy the non Brahmin elite castes took the lead in establishing first the South Indian Liberal Federation, and secondly the Justice Party in 1916 After coming to power in 1920 the party extended in 1921 the scope of the 1881 order, by requiring all the heads of the departments to distribute appointments of all the grades among the various communities But for the first time in the history of the communal G O, in Madras a clear cut reservation procedure was laid down by the order of 1927 The following compartmental reservation of posts was provided

1	Non Brahmin Hindus 5 of 12 posts i e	42%
2	Brahmins 2 of 12 posts i e	17%
3	Muslims 2 of 12 posts i e	17%
4	Anglo-Indians 2 of 12 posts i e	17%
5	Depressed classes 1 of 12 posts i e	8%
		100% (rounded)

This scheme of reservation was in operation till 1947 The adversely affected caste of Brahmins was too weak numerically to resist this scheme Many of the Brahmin leaders had also acknowledged that they indeed had obtained a lion s share of the jobs and educational facilities As the youth of the Brahmins community felt the squeese of the operation of the [illegible] order, they started migrating to the other metropolitan cities of India particularly Bombay which has continued even till today As can be seen from the G O the Scheduled Castes were earmarked only 8 per cent of the jobs, far less than warranted by their share in the population In view of the strength of the non Brahmin agitation and of the need to broaden the base of the Congress party in the thirties by inducting more and more non Brahmin elites into the party the first Congress ministry in the province headed by Rajaji did not even touch the G O

In the Tamil areas of Madras, the 1927 G O represented a victory for the Vellala Castes, particularly the Modaliars In these areas, they had provided the leadership of the Justice Party although there were leaders from other Non Brahmin castes as well The Justice Party leaders were drawn from the landed classes and were not much keen on broadening their base by including the landless castes within their ranks In fact, they began to show a marked disinclination for social reforms and amelioration of the conditions of other weaker and backward castes A slow erosion of the ranks of the party and defections to the Congress had already begun in the twenties, and the non Brahmin strategy was to infiltrate into the Congress and capture the organization from within B[illegible] the thirties the Justice Party had served its historic purpose of reducing to a great extent the sense of deprivation on the part of the zamindar interests particularly in the fields of government jobs and education As the Brahmin youths moved out, the upper caste youths started replacing them The reservation scheme had come to stay in the political consciousness of the Tamils and became an accomplished fact Hence, the party also started losing its base and elan It was too much tainted with the association with the British rulers to survive the rising tide of nationalism

E V Ramasami Naicker a Balija Naidu, had begun his political career with the Congress Angered by the domination of the Brahmins in the party and also annoyed with Gandhiji s espousal of a purified Varna ideology, he revolted from the party He left the party around 1925 to start the

Self respect movement The movement aimed at nothing short of a rejection of the Brahminical religion and culture, which Naicker thought was the prime instrument of enslaving the Tamilians By 1939 Naicker was demanding a separate Dravidistan (Nardgrave 1965) As Irschick has pointed out The Self Respect movement concentrated almost entirely on the Tamil Districts, primarily on groups of low in the caste hierarchy, including the untouchables for whom the social reform platform would have the most appeal (1969 , p 334) But for the Self respect movement the elite non Brahmins of Madras would in course of time, have been as isolated from the lower caste groups as the Lingayate and Vokkaliga leaders in Karnataka came to be at the end of the sixties In 1944 the Justice party was reconstituted as the Dravida Kazhagam, which was imbued with not only an anti Brahmin, anti-North anti Hindi ideology but also with separatist subnationalism

Naicker ran the DK pretty autocratically, which was not liked by the younger elements of the party, led by C N Annadurai When Naicker married in 1949 a girl much younger to him Annadurai and his friends walked out to form the Dravid Munnetra Kazhagam, which, while subscribing to the DK ideology, developed parliamentary ambitions

The Communal G O, of 1927 prevailed till 1947 when it was revised as follows —

Non-Brahmin Hindus 6 jobs out of 14 i e	43/
Backwards Hindus 2 jobs out of 14 i e	14/
Brahmins 2 jobs out of 14 i e	14/
Scheduled Castes 2 jobs out of 14 i e	14%
Anglo-Indians and Indian Christians 1 job out of 14 i.e	7/
Muslims 1 job out of 14 i e	7/
	100/ (rounded)

The 1947 G O is an historical one because for the first time the non Brahmin castes were bifurcated into non Brahmin Hindus and non Brahmin backward Hindus This bifurcation was done on the basis of the then existing caste lists for educational concessions Obviously the non Brahmin Hindus consisting of the forward Vellala Naidu, Chettiyar Reddi etc castes did not resent this bifurcation since they were given a compartmental reservation of 43 per cent of the jobs After the inauguration of the Constitution of India this compartmental reservation was struck down by the Supreme Court Then the 1947 scheme was converted into the following scheme by an order of September 1951 This order provided for the following scheme of reservation —

Open competition—12 jobs out of 20 i e	60/
Backward classes—5 jobs out of 20 i e	25/
The Scheduled Castes—3 jobs out of 20 i e	15/
	100/

In the light of the population figures of the Scheduled Castes and Tribes as per the 1951 census and after separation of Andhra Pradesh, the Madras Government promulgated in 1954 the following reservation scheme —

Open competition	59/
Backward classes	25/
S Castes & Tribes	16/
	100/

The 1954 order made only marginal changes Those non Brahmin forward castes like the Adi Saiva Vellalas, Karghata Vellalas Modaliyars, Kamma Naidus which had provided the leadership to the non Brahmin movement two decades ago, were now compelled to compete alongwith the Brahmins for jobs and seats in the open competition pool These non Brahmin forward castes did not feel any threat on being shunted to the open competition pool They had consolidated their political power and sufficiently penetrated into the services with the help of these resources They could get more than their share even within the open competition pool where even the Brahmins could not offer any kind of serious competition to them Also, as it will be discussed later because of the peculiar system of forward backward classification along the sub-caste lines, there was a rampant misuse of the classification In short, when the communal reservation scheme came into force in the new form, the non Brahmin forward castes had become sufficiently powerful to hold on to their benefits and did not have to resort to any kind of a protest or backlash Following the recommendation of the Tamil Nadu Backward Classes Commission (1970) the reservation scheme for the purposes of both Articles 15(4) and 16(4) was revised in 1971 as follows —

Open competition	51/
Backward classes	31%
Scheduled Castes & Tribes	18/
	100%

Even this reduction in the share of the open merit pool and increase in the reserved pool meant for the backward classes did not provoke any ire on the part of the non Brahmin forward sub caste groups

As indicated above almost every major community or caste group in Tamil Nadu has been divided into forward and backward sub caste sections and groups Christian coverts from the Scheduled Castes are backward Other Christians are forward Labbai and Deccani Muslims are backward and Urdu speaking Muslims are forward Adi Saiva Karghata Kalaveli Vellalas are forward and Thuluva Vellalas Sozhia Vellalas are backward All Reddys are forward except Ganjam—Reddys Gavara and Vadugar Naidus are backward but the Kamma Naidus are forward Similarly the Chettiyars are also divided into forward and backward sub caste groups Until 1975 the Gounders or Komgu—Vellalas had been classified as forward but the Karunanidhi government included them as backward Even if some of these non Brahmins forward castes had felt any kind of a resentment against being pushed into the open merit pool their capacity for protest or retaliation would be very less, because they could not have made a common cause with their sub-caste counter parts who were on the other side of the line

The Tamil Nadu Backward Classes Commission has conclusively proved that *nine* castes in the other backward classes list constituting about only 11 7% of the total backward classes population have cornered 37 3 per cent of the non gazetted and 48 2 per cent of the gazetted posts Other minor and weaker backward classes have not been able to utilise the reservation scheme In other words the government services and the educational seats have come to be dominated not only by the forward non Brahmin sub-castes mentioned above but also by the nine other backward castes These nine are Vadugars Veerakodi Vellalas, Gavaras Sourashtrians Thuluva Vellalas Devangas Sozhia—Vellalas Agamudiyars and Sadhu Chettis The Tamil Nadu Backward Classes Commission out of discretion did not identify these names in the volume I of the Report (1979) But, these have been unmistakably inferred from the other sections of the Report The Commission in view of the gains having been cornered only by a handful of castes suggested that the compartmental reservation should be introduced for the different kinds of the other backward castes but the Karunanidhi administration did not heed these suggestions at all Mr Karunanidhi, in his interview with the author on 19 11 1979 said the matter had to be looked into in spite of the obvious proof given in the Report In his letter dated May 2, 1976 addressed to the then Governor of Tamil Nadu Mr A N Sattanathan Chairman of the Backward Classes Commission urged the former to look into the matter Mr Sattanathan says, It could not have been the intention either of the Central government or the State government that backward classes list once framed should continue in perpetuity There are judicial pronouncements that these lists should be under constant review and the limited resources of the State should be extended and support given only to those who are genuinely backward socially and educationally I humbly commend for your consideration, that the time is now opportune for such a review Nothing seems to have come out of this letter The main question here is why did the weaker and minor backward castes constituting 88 7% of the backward classes population not feel the resentment against the benefits of reservation going to only a handful of castes They could very well have combined with the Scheduled Castes and Scheduled Tribes and mounted pressures on the government As we shall see in the Chapter on Karnataka when the Scheduled Castes non Brahmins non-Lingayats and non Vokkaligas castes discovered or felt that the gains of the reservation, and of the operation of the political systems had gone only to the Lingayats and Vokkaligas, they felt a deep sense of resentment Devraj Urs capitalising on this resentment carved out a new political base for himself from these castes He reduced the power of the Lingayats and Vokkaligas in the Congress structure and corridors of power Later the Havanur Commission excluded most of the Lingayat castes from the reservation scheme which was implemented by a G O Why did such a political movement on the part of the weaker minority backward caste not arise in Tamil Nadu The answer to this will have to be found in the peculiar *Dravida Kazhagam* culture which has been inherited both by the DMK and the AIA DMK As long as the Tamil cultural revivalism continues to grip the State and as long as the anti Hindu anti North anti Aryan issues dominate the minds of the people a real backward classes movement espousing the cause of the really backward class will not emerge The same factors continue to provide a cohesion between the various non Brahmin castes The DMK leaders particularly are not interested in anything which will weaken the ethose of the Tamil movement

A unique feature of the Tamil Nadu method of classifying the castes into forward and backward has been referred to a couple of times above The sub-castes of some major Hindu non Brahmin caste groups have been used for the purposes of classifi cation This has opened the floodgates of abuse on the part of those classified as forward The Satta nathan Commission Report has extensively and conclusively demonstrated this misuse It is diffi cult for a person belonging to one sub-caste, say Kargatha Vellala to claim and obtain a certificate that he is a Kaikolan which is a totally different caste But it is relatively easier for him to claim and obtain a certificate that he is a Sozhia Vellala For, Sozhia Vellala means a Vellala from the old Chola country In his letter dated May 2 1976 addressed to the Governor of Tamil Nadu Mr Sat tanathan once again pointed out to the inexact wording and classification of the OBC list and the rampant misuse it has generated Mr Sattanathan wrote

> The terms Gavara and Vadugan have been extensively used for schooling, college admissions and reserved appointments by almost all Telugu speaking people calling themselves either as Naickers or as Naidus though they may not belong to the specific divisions of the Vadugans and Gavaras

Again,

> In fact it could be said that excepting Brahmin community many of the other non backward or forward community can by some means or other claim to be backward in view of the large size of the list and inexact wordings frequently used in the list

The Sattanathan Commission was prevented by its terms of reference from suggesting inclusion or deletion of any castes in the OBC lists But the Report did indicate that something should be done especially for the sluggards among the backward classes In spite of this castes like Gounders or Kongu Vellalas, Sozhia Vellalas and Karuneegars and groups like Deccani Muslims were added to the OBC list which must be adversely affecting the most vulnerable backward castes

There is an under current of some disappoint ment on the part of the weaker castes particularly the Vanniya Kula Ksthatriyas against (a) the do-minance of the Modaliars and Naidus (b) the nine top backward castes concerning the benefits and (c) inclusion of otherwise powerful castes in the OBC lists But this disappointment has not assum ed the proportions of resentment and protest It has not been, and it is not likely to be politically mobilized None of the Tamil Nadu political parties have had any intention of mobilizing them on this issue The M G Ramachandran G O of imposing the income criterion on the OBC list came nearest to it, but he too shied away from splitting the backward classes along these lines Once again, we have to fall back on the explana tion that as long as the Tamil subnationalist ideo logy prevails in the State these issues will not be come critical The hegemony of the non Brahmin forward castes and the more successful among the backward castes is not likely to be challenged Until then the question of resistance or backlash on the part of these castes will not arise

The Scheduled Castes and tribes constitute about 18 per cent of the Tamil Nadu population As we shall see later in U P and Bihar relationships bet ween the Scheduled Castes on the one hand and the inter mediate castes like the Jats, Yadavas Kurmis Koeris etc , are pretty strained In Tamil Nadu there have been some instances of atrocities on or ill treatment of the Scheduled Castes Be teille (1970) quotes Hutton s account of conflicts between the Kallas and the Adi Dravidas in the thirties Thevaras and Harijans too have been clashing with one another now and then The Kilvemani atrocities in 1967 on the Harijans at the hands of Brahmins Naickers and Mukkulthors attracted nationwide attention Recently in 1978 the Thevars and Harijans clashed But on the whole, these are isolated instances The State wide cleavage between the non Brahmins and the Hari jans has not got consolidated in Tamil Nadu over turning the Brahmin non Brahmin cleavage Be cause Tamil Nadu is a non Sanskritic cultural area the four fold *Varna* system has less applicability there The Harijans promptly responded to Ra maswamy Naickers Self Respect movement Hence these relationships between the backward non Brahmins and Harijans neither threaten the for ward non Brahmins nor help them The energetic Nardars have improved their position considerably Others too do not expect much of a threat to their rank or status

Even if some non Brahmin forward castes feel squeezed by the reservation schemes the expand ing Tamil Nadu economy may have come to their help The forward Naidu boys have begun going into industry, business etc As we have noted the Brahmins have almost written off the Tamil Nadu government service To a great extent this has taken the pressure off these communities

Chapter III
Karnataka A Two-Stage Backward Classes Movement

The present Karnataka State was constituted in 1956 out of the following erstwhile areas (a) 9 districts of the Princely Mysore State (after 1950, Part B State) (b) 4 districts of the Bombay State (c) 2 districts of Madras State (d) 3 districts of the former Part B State of Hyderabad, and (e) the centrally administered district of Coorg Of these five areas only in the Mysore and the Bombay areas, backward classes movement in the form of a non Brahmin movement developed during the decades before the Independence The Bellary and South Kanara districts, which formed part of the Madras State till 1953 and 1956 respectively, did not contribute significantly to the non Brahmin movement in that State In the Hyderabad areas due to the autocratic nature of the Nizam s government and the relative domination of the Muslims the Brahmin non Brahmin backward cleavage did not surface until after 1956 *i e* when these areas were merged with Mysore

After about fifty years of direct British control the administration of the Princely Mysore was handed back to the Prince in 1981 During this period and the subsequent couple of decades the important government posts came to be filled by Brahmins from Madras This gave rise to a lot of resentment on the part of Mysore Brahmins who raised the cry of Mysore for Mysoreans (Kuppuswamy—1978) During the first two decades of this century the Mysore Brahmins started gaining an upper hand and completely established their ascendancy In the Princely Mysore State the Brahmins constituted 3 8 per cent of the population Kokkaligas 20 4 per cent, Lingayats 12 0 per cent depressed classes 15 1 per cent

At the turn of the century as the 1901 census revealed 68 per cent of the Mysore Brahmins were literate whereas only 14 1 per cent of the Lingayats and 4 per cent of the Vokkaligas were literate Similarly whereas 10 2 per cent of the Brahmins were literate in English only 13 per cent of the Lingayats and 07 per cent of the Vokkaligas were literate in English Like their counterparts in Madras the Brahmins had established a runaway lead over the two dominant landed gentry castes of the Lingayats and the Vokkaligas During the next 40 years, the percentage of English knowing Brahmins increased from 10 2 per cent to 36 2 per cent, whereas the similar percentage among the Lingayats increased from 13 per cent to 2 34 per cent and among the Vokkaligas from 0 7 per cent to 1 09 per cent Although to some extent the literacy gap was bridged among the castes that of English literacy was not bridged to the same extent. In the urban areas the Brahmins constituted 38 per cent of the total workers in the literate occupations (Monor 1977) Almost contemporaneously with the rise of the Justice Movement in Madras in the second decade of the century the Lingayats and Vokkaligas of the Princely Mysore State became agitated over the Brahmins predominance in the government service and education Like the Vellalas and Reddys of the Madras Presidency they too possessed the important resource *i e* land As the Brahmins turned increasingly urbanward, the Lingayat and Vokkaliga gentry bought up their lands In the first decade of the century their castes associations appeared and by 1917 under the leadership of C R Reddy Praja Mitra Mandali was established to voice the claims of the non Brahmins Again, just as the British civil servants and governors lent a receptive ear to the grievances and complaints of the Justice leaders in Madras the Mysore Prince and the courtiers surrounding him were sympathetically disposed to the non Brahmins The matters came to a head during the Diwanship of Sir Visweswaraya when in 1918 a committee was appointed under the chairmanship of Sir Lesley Miller Chief Justice of the Chief Court of Mysore to consider steps necessary for the adequate representation of communities in public service After collecting voluminous data of employment in the government service in various grades the Miller Committee vindicated the complaint of the non Brahmins that the civil service in Mysore was dominated by the Brahmins The Committee made the following recommendation

> Within a period of not more than seven years not less than 1½ of the higher and 2/3 of the lower appointments in each grade of the service and so far as possible in each office are to be held by members of communities other than the Brahmin community

preference being given to duly qualified candidates of the depressed classes four are available.

Following the Miller Committee Report, the Government of Mysore abolished the competitive examinations for the jobs and the recruitments were made by nominating the rankholders of the University examinations, but keeping in mind the goal of bringing up the non-Brahmins. Unlike in Madras there were no compartmental reservations. All the appointments were looked after by one-man Public Service Commission.

Meanwhile the Praja Mitra Mandali disintegrated and its place was taken up in 1928 by yet another party of the non-Brahmins, Prajapaksha. The party consisted of younger elements belonging mainly to the two dominant castes and who had considerable exposure to the caste conflicts in the neighbouring States. In fact many of these leaders as students in Madras had actively participated in the Justice Party movement. Owing to a very conscious implementation of the Miller Committee recommendations, the percentage of the Brahmins in the services was very slowly reduced. The Prajapaksh also had to face the rising tide of nationalism in India, which did not leave the Princely Mysore State unaffected. The Indian National Congress also had begun organising the people of the Princely States on parallel lines to obtain democratic concessions. Although many of the non-Brahmin stalwarts had held themselves aloof from the Congress Party, they were persuaded or impelled by the circumstances to join the Congress Movement. In this way the entry of the Vokkaliga and Lingayats landed gentry into the National Movement considerably intensified the Congress Movement in the State. After the merger in 1947 of the Princely Mysore State into the Indian Union and the introduction of responsible government, the Vokkaligas started controlling the State apparatus and Congress Party, while the Lingayats constituted their junior partners. In the Bombay-Karnataka area also there were stirrings of the non-Brahmin movements. Due to various historical reasons the non-Brahmin movement in the then composite Bombay Presidency did not gather momentum. The Lingayats constituted the bulk of the population in the 4 Kannada districts of Bombay, and they started many educational institutions to develop education in their caste. The Lingayats in the Bombay area did not enjoy the advantage of the caste reservation until 1941 when they were grouped along with the Marathas into an intermediate group which was given some job concessions. But this reservation scheme also did not last long in the Bombay Presidency. The leaders from the Lingayat castes were also resentful of the Brahmin domination in the Karnataka Pradesh Congress Committee, whose jurisdiction included the Princely Mysore State as well. The Lingayat leaders too started entering the Congress Party in the 1930s and came to dominate the Bombay-Karnataka region fully within a few years after the Independence. The Lingayat leaders from the Bombay area felt very much constrained because of the control of the Gujaratis and Maharashtrians in the Bombay administration. Also they did not very much like some of the progressive land reforms which had been introduced in the Bombay State. They were very vocal in the agitation for the formation of a unified Karnataka State, about which the Vokkaliga leaders from Mysore were less enthusiastic.

The formation of the unified Karnataka State in 1956 altered the caste balance considerably. The Lingayats constituted 15 per cent of the population in the entire State, and Vokkaligas about 11 per cent. The political centre of gravity shifted from the old Mysore area to the newly integrated regions, particularly the Bombay-Karnataka. The first four Chief Ministers of the expanded Karnataka State belonged to the Lingayat caste. The community dominated not only land but also other sources of political patronage. 4 to 5 ministers in the New Karnataka Government used to belong to this caste. In other words, there was a very perceptible change in the balance of power between the Lingayats and Vokkaligas and among the various communities. After the reorganisation of the State in 1956, the new leaders found it expedient to extent the communal reservation scheme to the entire State. By an order passed in July 1958 all persons except Brahmins were declared as backward and 57% of the jobs were reserved for the backward classes, in addition to the 18 per cent for the Scheduled Castes and Scheduled Tribes. Only 25% of the jobs were left for open competition. Although the bifurcation of the Madras non-Brahmins into non-Brahmin forward and non-Brahmin backward had occurred in that State by 1947, no such bifurcation of the non-Brahmin castes appeared in the Karnataka till 1960. When the 1958 reservation order was struck down, the Government issued yet another order in 1959 classifying all castes except Brahmins, Baniyas and Kshatriyas as backward. This too was struck down by the High Court. In the same year the government issued an order dividing the

population of Karnataka into 14 groups and making compartmental reservation of jobs and education seats for each of them. This order also met the same fate at the hands of the judiciary. In 1960 the Government of Mysore constituted a committee under Nagan Gowda for the purpose of determining the criteria for the classification of the backward classes in the State. The Committee used literacy as criterion for social backwardness and the number of students per thousand population in the last three years of the high school classes as the criterion of the educational backwardness. Following the interim report of the Nagan Gowda Committee 22 per cent of the jobs and seats were reserved for the OBCs and 18 per cent for the Scheduled Castes and Scheduled Tribes, leaving 60 per cent to open competition. After the consideration of the final report of the Committee, the government raised the percentage of the backward classes reservation to 30, thus leaving 52 per cent for open competition. Here the government fixed the reservation at a much lower level than recommended by the Committee. The Committee had also suggested compartmental reservation for the backward classes and the more backward classes, which was not followed in the government orders.

The final report of the Nagan Gowda Committee raised a lot of controversy. On the ground that the number of the Lingayat students per thousand population in the three high school classes was slightly higher than the State average of 6.0, the Committee did not include this dominant community, which had only recently acceded to power, in the backward classes list. A member of the Committee wrote a powerful note of dissent against the non-inclusion of the Lingayats in the backward classes list. The political leaders belonging to the Lingayat caste also brought pressure to bear on the government and the latter finally yielded. It included the Lingayats in the backward classes list and by an order of 1962 provided for the following scheme of reservation :

Open competition	— 32%
Other backward classes	— 50%
Scheduled Castes and Scheduled Tribes	— 18%

Knowledgeable sources revealed that the non-Lingayat backward classes did not very much resent the inclusion of the dominant Lingayats into the backward classification as long as the percentage of reserved jobs and seats was raised. This scheme of classification was struck down by the Supreme Court in 1963 in the famous Balaji case. After the decision, the Government of Mysore issued yet another order reserving 30% of the seats in the other backward classes and 18% for the Scheduled Castes and Scheduled Tribes. Not the castes but the individuals belonging to certain kinds of occupations as cultivator, artisans, petty business, inferior occupation based on manual labour and earning less than Rs. 1,200 per year were supposed to be eligible for the reservation. This ostensible scheme of reservation began in 1963 continued till 1977, but in reality jobs and the seats went on the basis of the political dominance of the different communities, particularly the Lingayats and the Vokkaligas.

In the 1960's resentment started welling up among the non-Lingayat and non-Vokkaliga minority castes that the operation of the entire political system and the processes after the reorganisation of the State has redounded to the benefit of Lingayats, and to some extent the Vokkaligas. The Vokkaliga leadership also felt disappointed at being relegated to the second position in the politics of the State. One important politician of Mysore is on record for having said that for a long time to come no non-Lingayat would become the Chief Minister of the State. The gathering storm of this resentment coincided with the 1969 split in the Indian National Congress, and soon the Parliamentary and Assembly elections followed. Devraj Urs, who rose as the leader of the Congress(I) party, very carefully and sedulously cultivated the non-Lingayat non-Vokkaliga communities. Both on the basis of the Indira wave of 1971-72 and also on the basis of the new coalition he had established, Urs rose to power in 1972 and continued till 1980, but for a short interregnum of a few months in 1978. In 1972 he constituted the Karnataka Backward Classes Commission under the Chairmanship of Mr. L. G. Havanur. The Committee presented its report in 1975 which was placed on the table of the Legislature in May 1976. The Report was approved by the Cabinet and a new communal reservation scheme was announced in February 1977.

Even the constitution of the Havanur Commission gave rise to misgivings on the part of the Lingayats. Mr. J. B. Mallaradhya, President of the All India Veerasaiva (Lingayat) Mahasabha, did not go to depose before the Havanur Commission. The Lingayat leaders saw in the appointment of the Havanur Commission a sinister move to isolate their community. To them it was yet

another stratagem on the part of Devraj Urs to reduce their power and influence. The Commission undertook its own survey and taking into account various multiple tests such as economic, residential and occupational, classified the Karnataka backward population into 3 groups : (1) Backward communities ; (2) Backward castes ; (3) Backward Tribes, and recommended compartmental reservation for each of these backward classes. The Commission seems to have deliberately ignored the Supreme Court injunction that the reservation should not exceed 50 per cent. On the basis of its tests and surveys, the Commission did not include the Brahmins, Bunts, Lingayats, Kshatriyas, Jains into any one of the backward classes. Later on the High Court of Karnataka ordered the deletion of the Arasu caste for the purposes of both Articles 15(4) and 16(4) of the Constitution. They also struck down Balija, Devadiga, Ganiga, Rajput, and Satani from the list of the backward classes under Article 16(4). In February 1977 the government issued the orders providing for the following reservation :

Open competition	—	42%
Backward Communities	—	20%
Backward Castes	—	10%
Backward Tribes	—	10%
Special Groups	—	5%
Scheduled Castes and Scheduled Tribes	—	18%

The special group consists of those persons belonging to the self-employed, artisan and other occupations having an income of not more than Rs. 4,800 per year. A criterion of Rs. 8,000 was imposed on the backward classes. In the subsequent orders the percentage of reservation earmarked for the special group has been raised to 15 per cent, and the income limit has been raised to Rs. 10,000.

It must be noticed from the reservation scheme that some sub-castes of the Lingayats have been classified as backward, while majority of the sub-castes have been classified as forward. Also, while the Vokkaligas have been classified as a backward community, their erstwhile senior partners in the politics of the Karnataka State, the Lingayats, have been classified as mostly forward. For these reasons the Lingayat community finds itself divided on the issue of the reservation scheme, based on the Havanur Commission Report. Also, on this issue an alliance of the Vokkaligas with the Lingayats cannot take place as they find themselves in different camps of the backward and the forward. This is in total contrast with the Bihar and Uttar Pradesh situation where all the major forward caste groups, viz., the Brahmins, the Kayasthas, the Rajputs and the Bhumihers have been classified as forward and can find a platform to unite upon.

The members of the Lingayat community have been, however, considerably disturbed and angered by the Havanur Report and the subsequent G.O.S. based on the Report. Some of their leaders even alleged that Mr. Havanur, Minister of Social Welfare and Law in the Urs Cabinet of 1978—80, had issued a secret circular to the government officers, advising them not to let the Lingayats get qualified even in the open merit pool. In August 1978, a Lingayat member attempted symbolically to set fire to the Havanur Report on the floor of the Assembly. The members of the community, particularly the youth, held demonstrations in the different cities of Karnataka, protesting against the Report and the orders. Quite a few Swamijis of the Lingayat Mutts joined in the protest. (For the details, see Desai, 1979). Mr. J. B. Mallaradhya, a retired I.A.S. Officer, and President of the All-India Veerasaiva (Lingayat) Mahasabha, has been leading a crusade against the orders (1977 ; n.d.). A conference of all the castes adversely affected by the Havanur Report was held in July 1979. The Mahasabha started mobilizing the Lingayat community by appointing organisers in the districts. There were reports of the Lingayat legislators holding meetings to discuss the Report and contemplate further action. But some knowledgeable circles denied that there were any differences in the government on this issue. As a powerful backward class minister in the then cabinet stated, the Lingayats had become apprehensive of competing against the Brahmins in the open merit pool.

The Lingayat agitation against the Report and the new reservation scheme did not go unchallenged by the members of the other minority castes. When Prof. K. Ishwaran, a Toronto-based anthropologist, criticised the methodology of the Havanur survey in an article of the *Indian Express* (March 1, 1979), it invited counter-critiques by other teachers and journalists belonging to the minority castes (Ishwaran, *et al.*, 1979). There were counter demonstrations in support of the Report. All this shows the extent to which the minority castes had been successfully mobilized on this issue, in the preceding years.

The coalition of minority backward castes forged by Devraj Urs had been pretty powerful and durable. It has survived the exist of Urs as Chief Minister. As we shall see later, the political strength of the backward castes in the legislatures of U.P. and Bihar has been waxing and warning. In Karnataka, on the other hand, the 1972 elections constituted a critical water-shed. There has been no weakening of the political strength of the minority backward castes, who are generally united, now behind the Congress(I). The Scheduled Castes are generally going along with the minority castes.

The Karnataka non-Brahmin movement, in the decades following the twenties, failed to produce any overarching revivalist Kannada ideology, which might have prevented the cleavage among the non-Brahmins from emerging to the surface. As we have seen, this more recent cleavage has displaced the older Brahmin-non-Brahmin cleavage. The Kannada Chaluvaligur movement is too weak and too confined to Bangalore to provide a platform for all the people to unite.

There is some evidence to show that the private sector employment in Karnataka has continued to expand. This sector earlier absorbed the Brahmins. Many of them have been migrating outside the State. One wonders whether the private sector can absorb the Lingayata youths also.

Like the Brahmins, Kayasthas, Bhumihars and Rajputs of U.P. and Bihar, the Lingayats, the Brahmins and Bunts of Karnataka, have been kept out of the reservation scheme. The Karnataka Brahmins are so weak that even if they join hands with the Lingayats, it will not make any difference. The Brahmin leaders feel that they have been slightly better off in regard to the jobs and seats since 1972. For all these reasons, the forward castes anger is muted in Karnataka and has not assumed any violent forms.

Chapter IV
Bihar: Fregmented and Telescoped Backward Classes Movement

Betoille (1970) has argued that in Tamil Nadu, the Hindu castes can be divided mainly into three groups : Brahmins and Harijans. In this non-Sanskritic area, the cleavage between the Brahmins and other overshadowed the other cleavages and the peculiar Dravidian ideology has been muting the cleavages among the non-Brahmins, and between the non-Brahmins and Harijans. In the absence of such an ideology in Karnataka, which is more Sanskritic than Tamil Nadu, the non-Brahmin movement got differentiated and n w cleavages appeared. In contrast, Bihar and Uttar Pradesh are two states in the Sanskritic cultural area, where there was no scope for non-Brahmin castes to unite under one movement. The twice born castes in these two States, *i.e.,* Brahmins, Kshatriyas and Vaishyas are found fully differentiated among themselves and also from the backward castes and the Harijans. The Kayasthas provide another element in the twice born group. Historically speaking, they emerged in these areas as the chief *literati* caste, and even surpassed the Brahmins, in 'anything connected with the pen' and in taking to modern education and profession. They were also in the forefront of the nationalist movement. In Bihar, the political struggle within the Congress till the middle of the sixties was characterized by the conflicts and competition among the twice born castes. After the sixties, without these cleavages being significantly eroded, the conflicts between these caste groups and the lower peasant castes, and between the lower peasant castes and the Scheduled castes have come to prevail. The politics of the present Bihar reveals caste conflicts at two levels : simultaneously between the forward castes and the upper peasant castes; and between the upper peasant castes and the Scheduled castes.

The caste and communal composition of Bihar is as follows : The forward castes of Brahmins, Bhumihars, Rajputs, and Kayasthas constitute 13 per cent of the population; the upper backward castes of Banias, Yadavs, Kurmis and Koeris constitute 19.3 per cent; the minor artisan and landless castes like Dhanuk, Mallah, etc. from 32 per cent; Muslims and the Scheduled Castes/Tribes form 12.5 per cent and 23.5 per cent, respectively (Bihar : 1980). The Banias in Bihar have not played as significant role in the Bihar politics as they have in U.P. In Bihar, their position, social statuswise is low and most of them have been classified as backward according to the G.O. of November, 1978.

Excepting the Kayasthas of Bihar, the other three twice born castes of Brahmins, Bhumihars and Rajputs have had a heavy stake in the land. There were princely houses belonging to each of these castes, and, owning to the zamindari system the zamindars belonging to these castes had established a thoroughgoing political and economic control in the countryside, unparalleled in the *ryotwari* areas of the Madras and Karnataka. By 1931, 31.8 per cent of the Kayasthas were literate. As compared with this, 19.5 per cent of the Brahmins, 13.6 per cent of the Bhumihars and 12.6 per cent of the Rajputs were literate. The upper backward castes had a literary rate of around .5 per cent (Roy, N. D.). Both in Bihar and U.P. the Brahmins could not, unlike their counterparts in Tamil Nadu and Karnataka, establish any runaway lead over the non-Brahmins in taking to the modern education and professions. The Kayasthas had taken the lead in the formation of a separate Bihar State. As Roy (1967) argues, "the separation of Bihar from Bengal in 1911, in a way, symbolized the fulfilment of the aspirations of the Kayasthas" (p. 418). The Kayasthas and the Muslims gained disproporationately from the expansion of the civil service.

As the Congress movement spread and the party came to control the local bodies, the Bhumihars Brahmins and Rajputs were alerted by the Kayastha domination. The Bhumihars particularly were better placed to lead the other two castes against the domination of the Kayasthas in the national movement. Their leaders particularly Sir Ganesh Dutt and Sahajenand Saraswati, had developed considerable organizational skill and capacity in mobilising their castemen for the goal of claiming the Brahmin status. The incidence of literacy was higher among them than among the Rajputs. They were more rural oriented than the Kayasthas. Thus the twenties marked the beginning of the ascendancy of the Bhumihars in the Congress politics, which continued till the death of Shri Krishna Sinha in 1961. With the introduction of the

provincial autonomy the character of the Congress party began to change. The party was increasingly compelled to strike roots in the social milieu. The social cleavages, particularly among the forward castes, were politicized and inducted into the political realm. Thus the downward penetration of the party inevitably led to what Roy (n.d.) has called the fragmentation and parochialisation of politics. The Kayasthas tried to bolster their sagging position by supporting and encouraging the Rajput group. The Brahmins too entered the Congress in big numbers and have steadily increased their strength since then (Roy : 1970; 1967; n.d.). They, however, suffered a temporary setback in 1977. The Bhumihars, Rajputs rivalry reached its peak in the fifties. Though the rivarly between Shri Krishna Sinha (Bhumihar) and Anugraha Narain Sinha (Rajput) to some extent cut across caste lines, bulk of their support was drawn from their respective castes: The Brahmin legislators generally want with Shri Krishan Sinha.

Among the upper backward castes, the Yadavas and Kurmis had begun to organise themselves along the caste lines during the first decade of this century (Rao, 1979). The All-India Yadav Mahasabha has its headquarters at Patna, and the Bihari Yadavas, along with their counterparts in Punjab and U.P., formed the backbone of the Indian Yadava movement. Ultimately, the Yadavas in the other States in India could not attain the same level of political mobilization as the Bihari Yadavas did. Both the Bihari Yadavas and Kurmis have for a long time been much obsessed with Sanskritization, while with the other backward classes elsewhere, this came to be abandoned sooner (But, some leaders belonging to these castes, particularly Nagamani, a Kurmi, have urged their castemen not to resort to Sanskritization).

In the early decades of this century, the Yadavas aimed at ridding their caste of dowry, alcoholism, meat eating, and took to Aryasamaj in big numbers. Their claims to done the sacred thread met with resistance on the part of the twice born castes, some times attended by violence. They also sought to increase the educational facilities for their youth, although the Yadava dominated educational institutions started growing many years after the Independence. They appealed to the British authorities for a better share in the jobs.

The political fall out of the Yadava, Kurmi and Koeri movements were, however, limited in the beginning. When the associations of these castes had got going for sometime, an attempt was made in the 1920s to bring the castes together into a political party called the Trivani Sabha. The Trivani Sabha contested the 1936 elections in Shahabad and Patna districts with disastrous results and soon withered away. This is in sharp contrast to the Justice party of Madras and the Praja Paksha of Mysore. It is true that both the Justice party of the Madras and the Praja Paksha of the Mysore non-Brahmins could not survive the rising tide of nationalism. But, the politicized segments of these caste groups could infiltrate into the Congress, and were to tilt the balance in their favour later on. But in Bihar, the entry of the Yadavas, Kurmis, and Koeris into politics in general, and the Congress Party in particular, was almost totally controlled and governed by the extent of rivalry among the forward castes. Discussing the entry of the peasant castes into Bihar Congress, Roy writes, "At the time of their entry into politics, most of these castes groups functioned as appendages of the main contenders in the upper castes: leaders from the upper castes coopted men from the lower castes to leadership position." (n. d.; p. 28). Each of the peasant castes entered the Congress divided. Roy further argues that in due course of time they became autonomous. This does not, however, mean that all, or even most of the backward caste legislators or party office holders united behind one leader. At most, several leaders arose each with a handful following. As the data collected by Roy (n.d.) reveal, between 1934 and 1960 the percentage of the Kayastha members in the Bihar Pradesh Congress Executive Committee declined steeply from 53.84 per cent to 4.76 per cent; that of the Bhumihars increased from 15.38 per cent to 28.56 per cent. The Rajput and the Brahmin representation, after registering some increase, declined. The backward castes (both upper and lower) began appearing around 1948 and held about 14 per cent of the posts around 1960. As Blair (1980) shows, the percentage in the Congress legislature party in 1962 of the Backwards was just 24.9 per cent, an overwhelming bulk of whom were the upper backwards. This once again contrasts with the success of the non-Brahmins in South India in ousting the Brahmins from the Congress and politics in general. In Bihar, the forward castes have been too well entrenched in politics and the economy to be ousted by divided and imperfactly mobilized backwards. In 1963, for the first time in the history of the Bihar Congress legislature party there was contest between a forward caste leader (K. B. Sahay; a Kayastha) and a backward caste leader with considerable ability (Birchand Patel a Kurmi). It is interesting to note that not only the backward caste

legislators but also those belonging to the Scheduled Castes and Tribes, were divided between the two contestants. In fact, more backwards voted for Sahay than for Patel (Roy, n.d.).

As Blair (1980) shows, the strength of the forward M.L.A.s after 1962 has undergone a decline but not a very steep or durable one. Similarly, the strength of the backward M.L.As has increased, which too is neither steep nor abiding. In the years before 1967, this controlled induction of the backwards into the Congress, convinced the socialist leader Ram Manohar Lohia that the Congress could be defeated only if all the backward castes could be united in one political party. In the sixties the Samyukta Socialist Party started assiduously wooing them. The Congress debacle of 1967 marks an important stage in the upsurge of the backward castes. In these elections, to the Vidhan Sabha the Bania, Kurmi, Koeri and Yadava candidates were returned in big numbers and constituted 31.6 per cent of the M.L.As. Most of them belonged to the SSP. This pattern repeated in the mid-term polls of 1969 also. In the 1972 elections, the Congress rode back to power and the share in the Assembly of the backward castes MLAs declined below the level of even 1962. The share went up again in 1977, when the Janata Party won. In fact, in the Assembly constituted following the 1977 elections, the share of the seats held by the backwards was the highest ever achieved, but also this was at the expense of the Kayasthas, Bhumihars and Rajputs did not suffer any decline (Blair, 1980). As the subsequent events have shown, the 1977 elections did not in any way signify the permanent and durable resurgence of the backward castes in the Bihar politics. Like their rise in 1967, their upsurge in 1977 was a temporary and transient one. Contrast this with the Karnataka elections of 1972 and 1978, which vindicated the durability and invincibility of the new backwards castes coalition.

One of the reasons for the imperfect mobilization of the backward castes into politics could be found in the political economy of the rural Bihar. Following Gandhiji's efforts to give a rural bias to the nationalist movement, the question of peasantry and land reforms started looming large in the minds of the Congressmen. Due to the worst kind of zamindari system in Bihar, the State gave rise to a peasant movement. The Kisan Sabha attracted many young Congress enthusiasts. The agitation received considerable fillip from the Bakasht movement, aimed at restoring the land to those tenants, who were dispossessed during the depression of the thirties (Sengupta, 1979). Although the land holding interests had acquired a considerable say in the Bihar Congress, the Zamindari Abolition Act was passed in 1950. The intermediary rights were vested in the State. But many landlords were allowed or managed to resume cultivation. In the villages Jannuzi (1974) has studied, the Brahmins reported that the abolition of zamindari and intermediary rights has neither helped nor harmed them. But, it definitely helped the Koeris. It can be generally said that the many tenants of the upper peasant castes benefited from the legislation. They also welcomed the prospects of decline in the social prestige and economic power of the upper caste groups, and an accession to their prestige and power (Ibid). Although Bihar is not known for its agricultural breakthrough, a considerable agricultural inputs have been channelled into the countryside and the rise in prices of agricultural commodities has increased the viability of many farmers. The Kurmi, Koeri and Yadava peasant proprietors have been in a better position to take advantage of these factors. Whereas the forward castes are averse to actual cultivation, the peasant castes work very hard on their lands and also drive their labourers hard (Sheth, 1979, Malhotra, 1980 ; Blair 1980). If the agricultural labourers show restriveness or political resistance, they do not hesitate to commit atrocities on them. This factor is at the root of the reprisals on the Harijans at Belchi, Pathada, Gopalpur, Bishrampur, Parasbigha, etc. Some distinguished politicians were of the opinion that it was the Kurmis who had become aggressive. The power structure in the Bihar countryside has not been as neatly settled elsewhere it has been. Excepting the Kayasthas, the other forwards still have a stake in the countryside and went to continue their semi-feudal control. The relatively prosperous upper peasantry castes want to match their economic gains with an appropriate share in the professions and government jobs. These castes also resent the concessions and reservations that have been given to the Scheduled castes. Hence, this acute case of rank disaquilibrium.

In 1951 the Bihar government issued a G.O. listing the other backward classes in two Annexures. Annexure—1 contained 79 castes who were deemed more backward than the 30 castes contained in Annexure—2. Following the Balaji decision of 1963, in the Supreme Court, the Patna High Court held in 1964 these two lists unconstitutional. Then the Bihar government imposed a ceiling of monthly income of Rs. 500 on the lists and it was decided not to make any distinction between the two Annexures. In 1971 the Bihar Backward Classes Commission was constituted under the Chairmanship of Shri Mungeri Lal. The Report

(1976) found the following position in regard to educational concessions. Some reservation was given to those applicants belonging to either Annexure—1 or Annexure—2, whose annual income was less than Rs. 300. The social welfare department gave fee concessions etc. to the OBC students. There were no reservations for the OBCs in industrial training institutes. The OBCs had no reservation in the jobs. Way back in 1953 Bajnath Singh had introduced in the Bihar Assembly a non-official bill seeking to reserve 25 per cent of the jobs to the OBCs, but under the pressure of the party leaders it was withdrawn. The Backward Classes Federation and particularly leaders like Dev Saran Singh, a Kurmi, represented for job reservations for the OBCs. This was not seriously entertained by the Congress. In the sixties, as Rao (1979) shows, the Yadavas concentrated their efforts on persuading the Central government to set up a Yadava government in the army.

The Mungeri Lal Commission prepared its own list of other Backward Classes and most backward classes, taking into account social status, educational backwardness, adequacy of representation in government service and adequacy of the share in trade, commerce, industry etc. Its list of Backward classes contained 128 castes, and the list of most Backward another 93 castes. It recommended 26 per cent reservation in jobs and 24 per cent of educational seats. The Jagannath Mishra government did not take any action on these recommendations obviously in view of its support bases of the forward castes.

The Karpoori Thakur government, which came to power in June, 1977, acted on the Report and in November 1978 issued the G.O. accepting the classification of Mungeri Lal Commission. For the purposes of recruitment to jobs, it announced the following reservation scheme :

Other Backward classes	—	8 per cent
Most Backward classes	—	12 per cent
Scheduled Castes	—	14 per cent
Scheduled Tribes	—	10 per cent
Women	—	3 per cent
Economically backward	—	3 per cent

The prevailing ceiling for income-tax exemption is the income criterion for all the categories.

Thakur was only pursuing the Lohia line of further mobilising the backward castes. He thought that he could successfully graft the Karnataka model on Bihar. The G.O. provoked widespread backlash as the part of the forward castes. The Universities and colleges came to be closed. Trains and buses were attacked. The government property was damaged. All this has been extensively reported in the Press.

Urs had astutely divided the two dominant castes of the Lingayats and Vokaligas by putting the former (generally) in the forward group, and the latter in the backward list. He saw to it that an alliance between them could not take place. Thakur did not resort to any such measures. The forward castes felt that many of the newly rich peasant castes would under report their income. The 3% reservation for economically backward, irrespective of caste, is too small to divide and weaken the forward castes.

Between 1972 when he assumed office and 1978 when the G.O. was issued, Urs had tirelessly endeavoured to mobilize and politicise the many small and economically weaker backward castes. As we have seen, the mobilization of the backward classes in Bihar has been a belated and fragmented one. The backward castes had emerged divided. Even the socialists were divided along the caste lines. Ramanand Tiwari had led the forward castes and Thakur had led the backward castes. The upsurge of the backward castes meant really the upsurge of the Yadavas. This fact is not likely to enthuse the other weaker landless backward castes. As we have seen, there is no love lost between the peasant backward castes, on the one hand and the Scheduled Castes and Tribes, on the other. Thakur had no ideology to unite them. It may even be said that when the chips are down, the Marijans and Girijans may prefer the forward castes as lesser evils to the upper peasant castes. In short, the Thakur G.O. came without an adequate mobilization and unification of the backward. Perhaps, he thought that the 1977 Janata victory represented a viable and durable resurgence of the backward castes, which was not the case. The January 1980 elections proved this. The Scheduled Castes and minor backwards went back to the Congress fold.

The youth of the forward castes in Bihar are very much dependent on government and semi-government jobs. As the private sector employment is not expanding they feel the squeez of the G.O. all the more. They are averse to migrate outside the State. Their English is generally poor. If they go to southern Bihar, they run into the ire of the tribals. Hence they perceive very few alternative opportunities. The power of the forward castes in the government service and their semi-feudal (Pradhan, 1979) hold on the countryside is still strong. All these factors enabled the forward castes to mount a protected protest and backlash.

Chapter V
Uttar Pradesh: Belated and Imperfect Mobilization of the Backwards

As in Bihar, in Uttar Pradesh too the caste system is found well differentiated in terms of the Varna model. *According to the 1931 census*, the forward twice-born castes constituted about 20.30 per cent of the total population ; the Brahmins formed 9.23 per cent of the population and Rajputs 7.28 per cent. The upper peasant castes of Yadavas, Kurmis, Jats, Lodhs and Koeris formed about 16.4 per cent of the population. The Muslims then constituted 13.6 per cent. It can be seen that the percentage of the population classified as forward for the purposes of the G.O. of 1977, and thus kept out of the reservation scheme, is higher in U.P. than in any of the three other States under study. The eastern U.P. is almost an extension of Bihar, and has been witnessing in recent years all forms of caste conflicts between forwards and backwards, *between Rajputs and Brahmins, and between the* Scheduled Castes and the backward castes. In the western U.P. districts, the Brahmin element is absent and the conflicts are between the rural Jat and Muslims, on the one hand, and the urban elements particularly the Banias, on the other. The Brahmin and Rajput hegemony prevails in the Avadh area. The hill districts and the Bundelkhand areas are very underdeveloped areas and are generally free from the caste tensions.

The Brahmins and the Kayasthas were the first to take to modern education. The Kayasthas particularly started dominating the pubilc services as well as the professions. Later on, around the forties, the Banias too started taking to the modern profession of law, teaching and medicine. One very interesting feature of the modernization of Uttar Pradesh is that the dominant landed gentry, the Rajputs, never felt threatened by the Brahmin-Kayastha monopoly of education, profession and government services. Before the abolition of the zamindari *system, the Rajputs, formed the bulk* of the zamindars in the State. In the Avadh area particularly, their dominance was striking. As Brass (1965) points out, they owned more than half of the lands in most of the districts. *We have seen* earlier that in the Madras Presidency, the approach of the dyarchy in 1919 threatened the interests of the landed gentry castes of the Vellalas, Goundars, Naidus and Reddys who were quick to organize themselves into a political party and a movement. The Rajput zamindars of U.P., who too were considered as the staunch supporters of the British Raj never felt threatened by the Brahmin dominance in the services and the national movement. *At most, the poorer among them aspired for jobs* in the police department and got them. The cultural distance beween them and the Brahmins was not much. Also, the Rajputs had, in their own areas of dominance, a secure, feudal and almost semi-political dominance, which their south Indian counterparts lacked. Moreover, in the State as a whole they have been numerically inferior to the Brahmins. Their own consciousness of a high status and the ritual distance between them and the backward castes, which they relished, did not *dispose them to lead any protest movement against* the Brahmin-Kayastha domination. The Brahmins, too, did not tend to leave the country side and flock to the cities as the Tamil Brahmins did. The zamindari *Abolition in 1952 did not completely* upset the political economy of U.P. As in Bihar, the Brahmins and Rajputs in U.P. still have considerable stake and share in the rural power structure and dispensation. To use *Sheth's* (1979) phrase, there has been no neat power arrangement as in Maharashtra, Karnataka and Tamil Nadu. There is yet another important reason why the cleavages among the forwards as in Bihar, or cleavages between the forwards and the backwards as in Karnataka and Tamil Nadu did not appear in U.P. During the twenties and the thirties, the United provinces was an important stronghold of the Muslim League. The Hindu-Muslim, and Congress-League cleavages overshadowed every other cleavage. *Right till 1937, the Muslim League* was hopeful of sharing power with the Congress in the State.

Some scholars and politicians (like the late Shri C. B. Gupta) claim that the state did not have any caste tensions or politics until many years after the *independence*. This is not wholly true. During the pre-Independence days there were ramblings of discontent among the backward castes. Leaders like Swami Achutananda of Kanpur, Swami Ram

Charan Mallah, S. D. Singh Chaurasia were trying to politicize the backward castes. Swami Bodhananda Mahasthavir started the Adivasi Hindu League in the twenties. Many delegates from U.P. have been attending the depressed classes conferences. E. V. Ramaswami Naicker presided over the conference held at Kanpur in 1946. The U.P. backwards, staying in the Hindu Sanskritic heartland, and surrounded by the famous shrines and places of pilgrimage, could not be persuaded to reject Brahminism.

The role played by the All-India Yadav Mahasabha in organising the community members has been discussed in the Bihar Chapter. In the forties the peasant castes of Yadavas, Kurmis, Koeris, Jats developed a high degree of affinity among themselves. It is said that the Yadavas of the eastern U.P., and Bihar consider themselves to be equivalent to the Jats. Out of this affinity among them arouse the AJGAR (an acronym for Ahir, Jat, Gujar) movement. The caste association meetings were not just *biradari* gatherings. As Rao says, "The annual conferences of the (Yadav) Mahasabha also whipped up opposition to the Thakurs, Kayasthas, Banias, Bhumihar Brahmins and Brahmins, who were seen as the exploiters of the Yadavas, illtreating them and thwarting their attempts at progress. Political mobilization and agitations were directed against these groups (Rao, 1979 : p. 141)". The demand for the reservation of jobs was there from the thirties, but the top Congress leaders were not favourably disposed. A top leader is supposed to have said that the Brahmins of south India were wandering here and there due to the reservation scheme, and asked if this should happen in U.P. also.

Despite these stirrings on the part of the OBCs, a unified political platform could never be forged for the OBCs and the Schedule castes. The impact of the Arya Samaj movement has been considerable on the Jats, Yadavas and others. The Yadavas and Kurmis have been too much in the grip of the process of Sanskritization. This drive for equality with the Savarna castes particularly produces the inability of the upper backward classes to land the smaller and weaker artisan castes and the Scheduled castes and tribes. Only a few backward castes can aspire for social mobility in the form of Sanskritization. The latter process requires some preconditions. A backward caste should have experienced some measure of economic prosperity and produced a few articulate and educated elites. They should be in a position to dig into the puranas or remote history to adduce proof that their caste had once upon a time a higher status. This is not possible for the millions belonging to the artisan and landless castes. To the extent the upper peasant castes have resorted to Sanskritization, they have generally been unable to make a common cause with the lower backward and the Scheduled castes. This is yet another reason why the backward class movements in U.P., and Bihar have not attained their full momentum and strength. Shri Cheddi Lal Sathi, during his interview with the author, fully supported the argument that the phenomenon of Sanskritization has hindered the backward classes cohesion and movement.

Whereas in Bihar the Brahmin-Rajput cleavage had started affecting the Congress circles from the thirties, the U.P., Congress circles did not show any such bickering along the caste lines. As discussed above, the Hindu-Muslim cleavage in politics prevented any other cleavages from emerging. The state had produced Congress leaders with national stature. From 1937, when he first became the Prime (*i.e.* Chief) Minister under the provincial autonomy scheme, till he left the State in 1954 to become the Union Home Minister, Pandit Gobind Ballabh Pant bestrode the U.P. Congress like a colossus. He had the full support of the Congress High Command, of which he was an integral part. The people of the plains considered him more a Pahari and less a Brahmin. His elevation to the Centre marks an important phase in the State politics (Masaldan, 1967). Hence between 1937 and 1954, there was no question of the Congress leaders resorting to competitive and controlled induction of the backward caste leaders into the Congress circles. The Congress Socialist Party, which had been formed in 1934 within the Congress' espoused the cause of agrarian reforms, but never acquired a casteist orientation. After the elevation of Pandit Pant to the Centre, factional feuds started raging within the Congress, but they generally cut across caste lines.

The weakness of the mobilization of the backward castes, particularly the upper backward castes. can be seen from the caste composition of the various ministries since 1937, which has been analysed in the Uttar Pradesh Backward Classes (Sathi) Commission Report (1977). In the 1937—39 cabinet the Brahmins held three out of six posts, and the OBCs were not represented even among the parliamentary secretaries. The same pattern prevailed till 1952, when Shri Charan Singh, a Jat, was taken into the Cabinet. In the Sampurnanand, C. B. Gupta and Sucheta Kripalani ministries also, half or nearly half of the ministers belonged to the

V. *Discretionary with the government to provide for reservations*

It is discretionary with the government to provide for reservation for backward classes or not either in the initial appointments or promotions. There is no constitutional right in any individual to ask for reservation. This point has been brought out in several cases. In *C. A. Rajendran* v. *Union of India*,[24] the Supreme Court stated that art. 16(4) did not confer any fundamental right on backward classes as regards reservation of posts, whether it be at the stage of recruitment or promotion. It was only an enabling provision which conferred "a discretionary power on the State to make reservation of appointments in favour of backward classes of citizens which in its opinion is not adequately represented in the service of the State." In making reservations the government has to take into account not only the claims of the members of the backward classes but also the maintenance of efficiency of administration which is of paramount importance. Here the government had made reservations in promotions to classes II and I posts which was subsequently abolished. The court upheld the action of the government in abolishing the reservations.

In *R. N. Promanick* v. *Union of India*,[25] the petitioner was appointed as a typist against the quota reserved for Scheduled Castes. This grievance was that though in the Seniority List prepared by the government he was given 75th place (on the basis of his seniority which arose out of his earlier confirmation on account of his being a member of the Scheduled Caste), its subsequent revision by the government gave him serial number 194-A (on the basis of merit). Consequently he lost a chance of promotion. The government had decided that for promotions there would be no reservations. The court upheld the governmental action. It was within the right of the government to decide that promotions will be made on the basis of merit and not seniority based on reservations.

Similarly, it has been held that while making the reservations the government may lay down not only the minimum requirement of eligibility for purpose of making an application but also a "minimum standard of suitability to be determined by the Public Service Commission after interview." A person belonging to Scheduled Caste has no right to complain that he should be appointed to the post once he fulfilled the "eligibility test" though not the "suitability test."[26]

24. A.I.R. 1968 S.C. 507.

25. A.I.R. 1969 Cal. 576.

VI. *Scope of reservations and other concessions to Backward Classes*

In *General Manager, S. Railway* v. *Rangachari*,[27], the court took the position that matters of employment under article 16(1) covered not only initial appointment but also promotions and such other matters as salary and periodical increments and terms of leave, gratuity, pension and age of superannuation. Art. 16(4) is an exception to art. 16(1) and it does not cover the entire ground by art. 16(1). Thus, there cannot be any exception or different rules even in regard to backward classes with regard to matters other than initial appointments and promotions. Art. 16(4) covered both initial appointments and promotions. The State can make reservations in favour of the backward classes both in initial appointments and promotions.

The leading case on the grant of concession in government employment by ways other than reservations is *State of Kerala* v. *Thomas*.[28] Here, the service rules provided for promotion from one particular cadre to a higher cadre on the basis of seniority subject to passing the prescribed test within two years. However, the rules also provided for giving a longer period (two extra years) for passing the test by the candidate belonging to Scheduled Castes and Scheduled Tribes. It was held that the concession given to the backward classes was valid. Though the concession may not fall under art. 16(4) still it does not violate art. 16(1) which permits reasonable classification. The court regarded the present concession to fall under the rubric "reasonable classification." Art. 335 in particular gives a mandate that the claims of Scheduled Castes and Scheduled Tribes should be considered in matters of employment consistent with maintaining administrative efficiency. Temporary relaxation of the rule passing the prescribed examination in the case of Scheduled Castes and Scheduled Tribes was warranted by their backwardness and inadequate representation in the state services, and did not unreasonably affect administrative efficiency. The preference of the concessions in favour of these classes cannot be to an unlimited extent. The State has to give preference to these classes consistent with the needs of efficiency of administration. In other wards, reasonable relaxation of

26. *Pravatnalini Mallik* v. *State of Orissa*, ILR (1972) Cut. 1372.

27. A.I.R. 1962 S.C. 36

28. A.I.R. 1976 S.C. 490.

caste voters swung away from the Janata and Janata (S) on this issue. Mrs. Gandhi's anti-caste slogans clearly went home to them.

It requires tremendous political organization, mobilization and cohesion on the part of all the backward classes and Scheduled Castes, if their leaders want to keep about 20 per cent of entrenched forward castes out of the reservation scheme and to compel them to compete for only 50 per cent of the jobs in the open merit pool. Such organization, mobilization and cohesion have not been there. Like Karpoori Thakur, Ram Naresh Yadav too tried to telescope the backward classes mobilization into a span of less than one decade. Unlike Devaraj Urs, they did not try to divide the forward castes with the help of any well conceived strategy. The Janata victories of 1977 constituted only deviant cases. Under the U.P. and Bihar classification schemes hardly any forward class youth could pass for a backward. Only the Muslim community was divided.

The private sector employment in Uttar Pradesh appears to be stagnant. The U.P. youth feel the crunch all the more, because they generally do not go out of the State for jobs. From U.P., and Bihar, more than the educated youth, the illiterate villagers migrate to Bombay, Calcutta, Punjab and Haryana for unskilled jobs.

Due to the belated and imperfect mobilization of the backwards, this attempt to combine the AJGAR MOVEMENT with reservation for the backwards has failed.

Chapter VI
Summary and Conclusions

The hypotheses given in Chapter I essentially aim at explaining the phenomenon of violent backlash to the reservation scheme promulgated in U.P. and Bihar in 1977 and 1978, respectively. Various political sociological and political economy factors have been examined mainly in terms of the evolution of the balance of power among the caste groups. The following conclusions emerge.

1. In Tamil Nadu and Karnataka, the reservation schemes have had a long history. In the beginning only the Brahmins were kept out. They were too weak to protest and slowly learnt to live with reservation schemes. They sought and obtained alternative avenues of employment. In 1950, substantial sections of the Vellalas, Naidus, Modaliars, Gounders, Chettiyars were kept out. But by then they had established their political ascendancy. They had sufficiently infiltrated into the power structure to do without the protection of the reservations. Moreover, only a few of the really backwards offered them any serious competition.

In U.P. and Bihar, the job and seat reservation schemes came as a bolt from the blue for the forward castes. Had they been covered by the reservation schemes earlier and slowly shuntd off to the open competition pool, it would have been a different matter. The historical circumstances did not necessitate this.

2. In Tamil Nadu and Karnataka, the forward communities have been divided either by the classification schemes or politically, or both. As discussed in the Tamil Nadu chapter, the Vellilas, Chettiars, Naidus have all been divided into forward sub-castes and backward sub-castes. They cannot make a common cause of the reservation issue. The possibility of any alliance among them has been pre-empted or prevented. Similarly in Karnataka, 70 per cent of the Lingayat castes find themselves forward and the rest backward. The 15 per cent reservation for the special weaker group irrespective of caste has also divided the Lingayat community. The forward Lingayats are the only group highly agitated over the issue. But, they cannot convert their disaffection into political clout. Also, the Karnataka G.O. has put all the Vokkaligas, another dominant landed gentry caste, into the backward list. Just until ten years ago, both the castes had formed a duopoly and ruled the State. Now, no alliance can take place between them. All the political parties there have to reckon with this changed situation.

In Bihar, and U.P. the G.Os. have not divided the forward castes. In Bihar, despite a long history of the feuds between Bhumihars and Rajputs, these castes find themselves united on the issue of reservation. In U.P. where caste feuds were muted, the Yadav G.O. has united twenty per cent of the articulate, organised and powerful section of the population. The Rajputs are particularly upset. Only recently they had begun to make their entry into echelons of power and were suddenly thwarted.

The reservation of 3 per cent for the economically weaker section is just a drop in the ocean, for the Bihar forward castes. Had this share been larger, probably, the forward castes would have found themselves divided and too weak to resort to backlash.

3. Both Tamil Nadu and Karnataka have witnessed cases of Harijan baiting and atrocities on them at the hands of the middle order castes. But such instances are few. In Tamil Nadu, the DK movement welded the non-Brahmin upper castes and the Harijans into one camp. In fact non-Sanskritic area, the ritual and cultural distances between these two groups was less than that between the Brahmins and non-Brahmins. In Karnataka, the Harijan and the OBCs find themselves in one camp due to their resentment of the Brahmins in the beginning, and Lingayats later on.

In U.P. and Bihar the Harijans and other landless castes, on the one hand, and the landed backward castes on the other have never had mutuality of economic, social and political interests. If the forward castes fear rank disequilibrium at the hands of the upper peasant castes in the OBC category, the latter also feel threatened by the rising political consciousness on the part of the Harijans. The later are driven hard by their Kurmi, Koeri, Yadav employers. Atrocities on the Harijans have

been committed by the members belonging to these peasant castes. Harijans have generally gone with Brahmins in voting for Congress. This fundamental cleavage between the upper peasant castes and the Harijans has rendered the backward class movement weak and hence has facilitated the forward castes backlash. As long as the OBC castes are in the grip of Sanskritization, they cannot lead the Harijans.

4. In Tamil Nadu and Karnataka, the non-Brahmins made a solid, united and well organized entry into politics and the higher echelons of the Congress party. Their politicization began a long time ago. This has imparted considerable strength to the backward classes movement. In Karnataka particularly, Devaraj Urs went on encouraging the holding of the conferences of the minor weaker non-dominant castes, between 1972 and 1978. He had inducted their leaders into the corridors of power. After preparing the political ground and organizing the weaker OBCs, he got his famous G.O. issued in 1978. The organisation and mobilization were sufficient to deter any potential backlash.

In U.P. and Bihar the ground had not been adequately prepared. In a sense, the Yadav and Thakur G.Os. were planted from above, when the ground had not been cleared. In Bihar, the backward castes entered politics (and the Congress) divided. Their entry depended on the mercy of the forward caste leaders. They have not been held together as an autonomous coherent political force. Witness the contest for the Chief Ministership in 1963 between Birchand Patel and K. B. Sahay. (Patel's abilities had attracted the attention of even Pandit Nehru). Both the backwards and Harijans deserted Patel. In U.P. also the rise of the backward classes was belated. As said earlier, both Thakur and Yadav attempted to telescope the backward castes mobilization into a decade. Even today the backward castes are politically divided. The weakness of the backward castes is evident from the fact their share of cabinet posts and the assembly seats has been waxing and waning. The elections of 1967 and 1977 did not signify a permanent and abiding resurgence of the backward castes on the political scene of U.P. and Bihar. Karpoori Thakur and Ram Naresh Yadav definitely erred in thinking that they did.

5. There is no doubt that in Tamil Nadu, the Youth belonging to the non-Brahmin forward castes must be experiencing the cruch of the reservation scheme. But quite a few of them can take advantage of the vagueness and fluidity of the classification based on sub-castes. The seriousness of this rampant misuse has been statistically proved by the Tamil Nadu Backward Classes Commission Report. As long as such misuse is possible, the propensity for frustration and aggression is relatively reduced. In Karnataka too, this is happening, but not to the same extent. In this State, misuse of the provision for the special group whose income does not exceed, Rs. 4,800 per annum, has been reported.

The Bihar and U.P. classifications do not permit any falsification of castes, as the classification is based on the broad caste lines, and not on sub-caste lines. A Rajput cannot pass off as a Kurmi or Koeri and remain undetected for a long time.

6. A second stage of the resurgence of the weaker among the backward castes has been delayed in Tamil Nadu. The non-Brahmin forward castes dominate the services and professions, because of the earlier head start. Nine castes in the list of the OBCs have gained a lot from the operation of the reservation scheme. The situation, theoretically, is ideal for a second stage of the movement. If this developes, and if these OBC castes which have gained disproportionately are excluded from the list, we may expect a backlash. But the weaker backward castes have not ever protested against the inclusion of the Sozhia Vallalal Gounders, etc., in the list in 1973. This absence of resentment and protest is in a large measure due to the Tamil revivalism and sub-nationalism.

In Karnataka, there has been no such revivalism movement to delay the upsurge of the weaker among the backward castes.

7. Owing to the classification in Tamil Nadu along the sub-caste lines, it is difficult to fix the

percentage of the population which is classified as forward. In Karnataka, it is really the forward Lingayats, constituting about 10 to 12% of the population who are really adversely affected and feel agitated. In that State the Christians, Vaishyas and Brahmins have written off the government service.

In Uttar Pradesh the population classified as forward is considerable, *i.e.*, around 20 per cent. In Bihar, the numerically small strength of the forward, *i.e.* around 13 per cent is more than made up by its control over the countryside. The legacy of semi-feudalism in these two states has enabled these forward castes to fight bitterly against the reservation scheme.

8. The economies of Tamil Nadu and Karnataka have been expanding relatively faster. The private tertiary sector appears to be growing. It can shelter many forward caste youths. Also, they are prepared to migrate outside the State.

The private tertiary sectors in Bihar and U.P. are stagnant. The forwarded caste youths in these two states have to depend heavily on government jobs. Driven to desperation, they have reacted violently.

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Vol. V
Socio-Educational Survey Tables

A Note on Socio-Educational Survey Tables

A NOTE ON SOCIO-EDUCATIONAL SURVEY TABLES

All relevant details about the Socio-Educational Survey have been furnished in Chapter XI of the Main Report (Volume I). The following account gives a brief description of the scheme followed in arranging State-wise tables.

Two villages and one Urban Block were selected from each district of the 31 States and Union Territories of India. The field survey covered all the households in these selected areas. The Schedules for canvassing information from these households are given in Appendices 14 & 15, Volume II. All the information canvassed in these schedules was computerised and compressed into the following 13 tables :—

Table 1 : Sample units covered in each district with number of households.

Table 2 : Population and number of households by caste, traditional occupation and average size of households.

Table 3 : Caste-wise percentage of households considered 'Backward' by others.

Table 4 : Caste-wise distribution of households by ownership of homestead land, and those living in owned/rented/houses as well as type of houses.

Table 5 : Caste-wise percentage distribution of households according to distance from main source of drinking water.

Table 6 : Workers/non-workers by caste and sex.

Table 7 : Caste and sex-wise percentage distribution of population by age at marriage and traditional occupation.

Table 8 : Caste and sex-wise percentage distribution of population by educational levels.

Table 9 : Percentage of manual labourers working for themselves/other by caste, educational attainment and sex.

Table 10 : Caste and sex-wise distribution of non-students between ages 5 to 15 years having never attended a school by reasons.

Table 11 : Caste and sex-wise distribution of dropouts among non-students between ages 5 to 15 years having ever attended a school by reasons for dropping out.

Table 12 : Average value of assets per household by caste and traditional occupation.

Table 13 : Average income of the household by caste with number of households having taken loan and their percentage distribution by reasons for taking loan.

For each of the 31 States and Union Territories, data has been separately compiled for each one of the above 13 tables. States and Union Territories have been listed in an alphabetical order and the data pertaining to each State and Union Territory given in 13 sections corresponding to 13 tables.

Vol. VI
Statewise List of Other Backward Classes

1. Andhra Pradesh • 2. Assam • 3. Bihar • 4. Gujrat • 5. Haryana • 6. Himachal Pradesh • 7. Jammu & Kashmir • 8. Karnataka • 9. Kerala • 10. Madhya Pradesh • 11. Maharashtra • 12. Manipur • 13. Meghalaya • 14. Nagaland • 15. Orissa • 16. Punjab • 17. Rajasthan • 18. Sikkim • 19. Tamil Nadu • 20. Tripura • 21. Uttar Pradesh • 22. West Bengal • 23. Andaman & Nicobar Islands • 24. Arunachal Pradesh • 25. Chandigarh • 26. Dadra & Nagar Haveli • 27. Delhi • 28. Goa, Daman & Diu • 29. Lakshadweep • 30. Mizoram • 31. Pondicherry

NOTE

As indicated in Chapter XII of the Main Report (Vol. I), State-wise lists of other Backward Classes contained in this volume pertain primarily to the Hindu communities. Wherever, the names of Hindu and non-Hindu hereditary occupational communities are common, such non-Hindu communities have also got listed automatically.

But as explained in para 12.18, Chapter XII, of the Main Report, a separate set of criteria has been recommended for identifying non-Hindu communities. According to this criteria, non-Hindu O.B.Cs. will comprise:—

(i) All untouchables converted to any non-Hindu religions; and

(ii) Such occupational communities which are known by the name of their traditional hereditary occupation and whose Hindu counterparts have been included in the list of Hindu OBCs. (Examples : Dhobi, Teli, Dheemar, Nai, Gugar, Kumhar, Lohar, Darji, Badhai, etc.).

1. ANDHRA PRADESH

S. No.	Names of O. B. Cs.
1.	Achukatlavandlu.
2.	Adi Karnataka.
3.	Agamundi.
4.	Agaru.
5.	Aghamudayar, Vellari, Madali, Aghamudaya, Aghambadiar, Barichatty, Kondaliyar, Palegaru.
6.	Ajila.
7	Aravala.
8.	Archak Brahmins.
9.	Are-Marathi.
10.	Arekatika, Katika.
11.	Aryakshatriya, Chittari, Chitrakara, Giniyar, Nakhas.
12.	Atagara.
13.	Atar.
14.	Badaga.
15.	Bagalu.
16	Baira.
17.	Bakuda.
18.	Balasanthanam.
19.	Balasanthu, Bahurupi.
20	Bandara.
21.	Bandi.
22.	Bantu.
23.	Bathini.
24.	Battada.
25.	Begari.
26.	Bellara.
27.	Bestha-Anikali, Jelare, Ratna, Balaji, Uppila, Vade Balaji.
28.	Bhamta.
29.	Bhatraju.
30.	Bhatu Turka.
31.	Bhottadas-Bodo Bhottada, Muriabhattada and Sano Bhottada.
32.	Bhumias-Bhuri Bhumia and Bodo Bhumia.
33.	Bindli.
34.	Bissoy-Barangi Jodia, Bannangi, Daduva, Godo Jodia, Hollar, Jheriya, Kollai Konde, Paranga, Pergajodia, Prangi, Takora.
35.	Boya, Balmiki.
36.	Budabukkalas.
37.	Budbukk.
38.	Bukka.
39.	Burbook.
40.	Burganakaliga.
41.	Chakala, Chawla, Dhobi, Rajaka, Chakali, Vannar.
42.	Chakkiliyan.
43.	Charan Banjaras.
44.	Chatri-Agnikulaksatryya, Bombili.
45.	Chenchulu.
46.	Cheruman.
47.	Chintala.
48.	Chuppolu (Mera).
49.	Chopemari.
50.	Damala.
51.	Darji, Bhavasara, Hindumera, Maratha, Merti, Rangari, Rangrez.
52.	Dasari.
53.	Dasaris (Donga and Gudu).
54.	Deva Telikula, Gondla, Teli.
55.	Devanga.
56.	Devendra Kulathan.
57.	Dhakkada.
58.	Dher.
59.	Dombo.
60.	Dombs-Andhiya, Dombs, Audiniya Dombs, Chonel Dombs, Christian Dombs, Nirgani Dombs, Oriya Dombs, Poraka Dombs, Telaga Dombs, Ummia Dombs.
61.	Dommara.
62.	Dongayathas.
63.	Dudekula, Laddaf, Pinjari or Noor-Bash.
64.	Ediga, Gowda (Gammalla, Kalalee), Goundla, Settibalija.
65.	Gandla, Telikula.
66.	Gangani.
67.	Gangiredlavaru.
68.	Garodi.
69.	Gavara.
70.	Godaba.
71.	Godda.
72.	Golla, Dhangar, Iddayar, Konar, Kurba, Kurwa, Yadav, Yerragolla.
73.	Goudu.
74.	Goudus-Bato (Bhirithya, Dudhokuria, Hats, Jatako and Joria).
75.	Gudala.
76.	Gujula Balija, Dasar, Musoku, Perika Balna.
77.	Hasla.
78.	Hatkar.
79.	Irula.
80.	Jakkala.
81.	Jandra, Kuruvina Setty.
82.	Jangalla.
83.	Jangam.
84.	Janira
85.	Jetty.
86.	Jingar.
87.	Jogi.
88.	Joshinandiwalas.
89.	Kachi.
90.	Kadan.
91.	Kaikadi.
92.	Kaikadi (or Korva).
93.	Kaikala.
94.	Kalavanthulu, Baggala, Ganika.
95.	Kalladi, Kalwar.
96.	Kanakkan.

S. No.	Names of O. B. Cs.
97.	Kandra.
98.	Kaniyan.
99.	Kanjar.
100.	Kanjara-Bhatta.
101.	Kanwar (Jaiswal).
102.	Kapmare or Reddika (Redika).
103.	Kapumaries.
104.	Karikalabhakthulu, Kaikala or Kaikolan (Sengundam or Sangunther).
105.	Karimpalan.
106.	Karnabhakthulu.
107.	Karnaveegar (Karnam), Kanaka Pillais.
108.	Katika, Kasai.
109.	Katipamula.
110.	Katipapala.
111.	Katri-Rajulu.
112.	Kayasth-Kaiti Brahmin.
113.	Khattis-Khatti, Kommarao and Lohara.
114.	Khond.
115.	Kinthala Kalinga.
116.	Kintoli Kalinga.
117.	Kochi.
118.	Kodalo.
119.	Kolinga, Baragana Kalinga.
120.	Komakapu.
121.	Kommar.
122.	Kond (Kui).
123.	Koosa.
124.	Koppulavelama.
125.	Koracha (Keravars).
126.	Koraga.
127.	Kosalyagoudus—(Bass Theriya Groundus, Chitti Groundus, Dangayath Goundus Doddu, Dudu Kamaro Ludiya, Komariya Goundus and Pullo Sariya Goundus).
128.	Koshti.
129.	Kota.
130.	Koyi.
131.	Krishnabalija. (Dasari Bakka).
132.	Kudiya.
133.	Kudubi.
134.	Kudumban.
135.	Kumbar-Kulla, Salivahana.
136.	Kumbhakshatriya.
137.	Kummara or Kulala.
138.	Kunapili.
139.	Kunchetigara.
140.	Kurakula.
141.	Kuravan.
142.	Kurichchan.
143.	Kuruba or Kuruma, Hegde.
144.	Kuruman (Kurumba).
145.	Kurumans.
146.	Lingabalija.
147.	Madri.
148.	Mahasari.
149.	Mahatar (Muslims)
150.	Maila.
151.	Malasar.
152.	Mali/Mondi Patta.
153.	Mali (where they are not Scheduled Tribes).
154.	Mali—Kerchia Mali, Paiko Mali and Peddamali.
155.	Mandula.
156.	Mangala.
157.	Mangali—Nayi Brahmin.
158.	Mangtha Goundus, Bana Megatha, Beraia Goundu, Boodo Magatha, Gongayath Goundu, Ladya Gounda, and Pennagagatha.
159.	Manurukapu (Telangana), Munnor—Kapu.
160.	Marathi.
161.	Mathura.
162.	Maune.
163.	Mavilan.
164.	Medari or Mahendra.
165.	Moger.
166.	Mondiwar.
167.	Mondivaru, Mondi Banda, Banda.
168.	Manula.
169.	Mudiraj, Mutrasi, Tenugollu.
170.	Muliya.
171.	Muria.
172.	Mutherachas.
173.	Muthursi—Bania, Ganga Putra, Mudiraj, Muthuraja, Telenga, Tenugu.
174.	Nagaralu.
175.	Nagavaddilu.
176.	Nagavasam (Nagavamsa), Nagbansh.
177.	Naik.
178.	Naikapu.
179.	Nakkalas.
180.	Nayadi.
181.	Nayak.
182.	Neelakanthi.
183.	Nessi or Kurni.
184.	Neyyala.
185.	Nhavi.
186.	Nirshikaris.
187.	Nokkar.
188.	Nolakeyava.
189.	Nolli.
190.	Oddar (or Weddars), Odde, Odder, Vadde, Oddilu, Vaddi, Vadde.
191.	Ojulus or Motta, Komsalis.
192.	Ommaite.
193.	Pacha Bhotla.
194.	Pachabotla.
195.	Padampari.
196.	Padmasali (Pattusali, Sali, Salivan, Seanapathulu, Thogata Sali).
197.	Pagadai.
198.	Paigarapu.
199.	Painda.
200.	Palakari.
201.	Pallan.
202.	Palla, Pallikari, Pallikarulu, Agnikola.
203.	Palli.
204.	Palli—Vada Balika, Gangavar, Goondla Valari, Vanyakulak—Shatriya (Vannokapu, Venneredd Nayyala and Pattapu).

S. No.	Names of O. B. Cs.
205.	Pambala.
206.	Pamula.
207.	Panan.
208.	Pandara.
209.	Paniyan.
210.	Panniandi.
211.	Paraiyan.
212.	Paravan.
213.	Pardhi (Nirshikari).
214.	Pardies.
215.	Pariki Muggula.
216.	Passi.
217.	Patkar (Khatri).
218.	Patra.
219.	Peddammayandlu, Davaravandlu, Yellamma Vandlu, Mutyalamma vandlu.
220.	Perika (Perike Balija, Puragiri Kshatriya).
221.	Perikalu, Reddy.
222.	Petias.
223.	Picharis.
224.	Pitchiguntala.
225.	Poligars.
226.	Polinativelamas.
227.	Poosala.
228.	Poroja— Bado Peroja or Sodia, Jodia Perjoa, Pareng Peroja and Sona Paroja.
229.	Pulayan.
230.	Puthiraj Vannan.
231.	Puttnul, Karan.
232.	Rachkoya.
233.	Raneyar.
234.	Raulo.
235.	Reddikas.
236.	Sadhuchetty.
237.	Sangari.
238.	Saora.
239.	Sapari.
240.	Sare.
241.	Satani (Chattada Srivaishnava Chatadi).
242.	Scheduled Caste converts to Christianity and their children.
243.	Seela-Ventham.
244.	Seerithi Goudus.
245.	Semman.
246.	Senatal.
247.	Sestakarnam.

S. No.	Names of O.B.Cs.
248.	Sholaga.
249.	Sholagar.
250.	Sindhor.
251.	Singalu.
252.	Sondi, Soundika.
253.	Sore.
254.	Sorollo (Somavansha Kshatriya).
255.	Sri Sayama, Segidi.
256.	Sudha Saiva Shivarchka.
257.	Sunna.
258.	Sunnai.
259.	Sutari.
260.	Swakulasali.
261.	Talayari.
262.	Tamboli.
263.	Tammali.
264.	Telega, Kamma.
265.	Thogata, Thogati or Thogataveera Kshatriya.
266.	Thottia Naicks.
267.	Thulva—Vellala, Agamu—Daiyan.
268.	Triuvalluvar.
269.	Toda.
270.	Turupukapus.
271.	Upasara.
272.	Uppara or Sagara.
273.	Vadder-Bevi, Upparilu.
274.	Vadugan.
275.	Valluvan.
276.	Valmiki.
277.	Valmiki Boya (Boya, Bedar, Kirataka, Nishadi, Vellapi Pedda Boya), Talayari and Chundu Vallu.
278.	Vanjara (Vanjari).
279.	Varala, Thogra, Bholia, Baliga.
280.	Verramushti (Nettikotala).
281.	Vettuvan.
282.	Vidiki, Niyogi,
283.	Virasivalingayat.
284.	Viswabrahmin (Ausula or Kamsali, Kammari, Kanchari, Vedia or Vadra or Vadrangi and Silpis).
285.	Waddar or Kala Waddars or Pathrods.
286.	Wadla.
287.	Yaras.
288.	Yata.
289.	Yedu Kulam.
290.	Yenadiwards.
291.	Yetla.
292.	Yuarulau.

2. ASSAM

S. No.	Names of O.B.Cs.
1.	Ahom.
2.	Arya Mala.
3.	Asur.
4.	Baiga.
5.	Baijara.
5a.	Banjara.
6.	Barhai.
7.	Baria.
8.	Barjubi.
9.	Baroi.
10.	Barui.
11.	Basor.
12.	Basphor.
13.	Bauri.
14.	Beddi.
15.	Bedia.
16.	Beldar.
17.	Bharaik.
18.	Bhatta.
19.	Bhil.
20.	Bhokta.
21.	Bhumij.
22.	Bhuyan.
23.	Binjia.
24.	Birhor.
25.	Birjia.
26.	Bondo.
27.	Bowri.
28.	Chamar.
29.	Chere.
30.	Chick Banik.
31.	Choudang.
32.	Chowdhari.
33.	Chutia, Chutiya.
34.	Dandari.
35.	Dandasi.
36.	Dhamai.
37.	Dhanwar.
38.	Dusad.
39.	Ganda.
40.	Gankak in Cachar only.
41.	Gawala, Ghosh, Goal, Goala, Gop, Gowala, Ahir,
42.	Ghansi.
43.	Ghatowar.
44.	Ghatuar.
45.	Gonda.
46.	Gonds.
47.	Gor.
48.	Gorait.
49.	Hari.
50.	Holra.
51.	Jogi, Jugi, Nath, Yogi.
52.	Jolha.
53.	Kalahandi.
54.	Kalihandi.
55.	Kandhal.
56.	Karbi.
57.	Karmali.
58.	Kashan.
59.	Kawar.
60.	Kayastha (Bengali).
61.	Keot.
62.	Khamti.
63.	Kharia.
64.	Kherwar.
65.	Khodal.
66.	Khond.
67.	Khonyor.
68.	Kohor.
69.	Koiri.
70.	Kol.
71.	Koudpan.
72.	Kormakar.
73.	Korwa.
74.	Kotwal.
75.	Koya.
76.	Kshattriya.
77.	Kumar, Rudra Paul of Cachar.
78.	Kumbar.
79.	Kupadhar, Kushiari, Rarh.
80.	Kurmi.
81.	Lahar.
82.	Lahara.
83.	Lodha.
84.	Lodhi.
85.	Loi.
86.	Madari.
87.	Mahato.
88.	Mahisya-Das, Mahisya.
89.	Mahli.
90.	Maimals (Muslim fishermen).
91.	Majwar.
92.	Malpaharia.
93.	Manipuri (including Manipuri Brahmins, Manipuri Muslims & Meteis).
94.	Manki.
95.	Maria.
96.	Mirdhar.
97.	Modi.
98.	Mohli.
99.	Moran, Matak.
100.	Mukhi.

S. No.	Names of O. B. Cs.
101.	Munda.
102.	Mundas.
103.	Mura.
104.	Nagasia.
105.	Nag Bansi.
106.	Nai, Bij, Hajjam, Napit.
107.	Nath.
108.	Nayak.
109.	Nepali (Chatri, Chhetri, Dami, Gaine, Gurung, Lama, Lihu, Lohar, Magar, Rai, Sarki, i.e. Cobbler, Thapa).
110.	Nonia, Nunia.
111.	Oraon.
112.	Paidi.
113.	Panika.
114.	Pans.
115.	Parja.
116.	Pasi.
117.	Patratanti

S. No.	Names of O. B. Cs.
118.	Pradhan.
119.	Rajbanshi, Koch.
120.	Rajput.
121.	Rajwar.
122.	Sahora.
123.	Saloi.
124.	Santhal, Santal.
125.	Soveras.
126.	Sudra Das, Dey.
127.	Sut, Soot.
128.	Tantripal, Tanti, Tantri.
129.	Tantubai.
130.	Tausa.
131.	Telenga.
132.	Teli.
133.	Thai-Chanhari.
134.	Tipara, Tipera.
135.	Turi.

3. BIHAR

S. No.	Names of O. B. Cs.
1.	Abdal.
2.	Agariya.
3.	Adiri.
4.	Aguri—Vaishya, Sudi Halwai, Roniyar, Pansari, Modi, Kasera, Kesarwani, Kathera, Siduriya-Bania, Mahuro-Vaishya-Awadh-Bania, Kaith-Bania.
5.	Amaat.
6.	Bagdo.
7.	Banpar.
8.	Barai.
9.	Bari.
10.	Basphor.
11.	Bekhada.
12.	Beldar, Bachgotra.
13.	Beldiya.
14.	Bentkar.
15.	Bhar.
16.	Bharbhuja.
17.	Bhaskar.
18.	Bhat/Bhatt.
19.	Bhathiara (Muslim).
20.	Bhuihar, Bhuiyar.
21.	Bind.
22.	Binjina.
23.	Chandrabhanshi (Kahar)
24.	Chain, Chayeen.
25.	Chanou.
26.	Chapota.
27.	Chatwal.
28.	Chik (Muslim).
29.	Churihara, Manihar.
30.	Dafalange (Muslim).
31.	Dafale (Muslim).
32.	Dangi.
33.	Davhar.
34.	Dhamin.
35.	Dhankar.
36.	Dhanuk, Purwa.
37.	Dhanwar.
38.	Dhari.
39.	Dhekaru.
40.	Dhimar.
41.	Dhunia, Dhumian.
42.	Faqir (Muslim).
43.	Gadaba.
44.	Gaddi.
45.	Gadihar (Muslim).
46.	Ganda.
47.	Gandharb.
48.	Gangai (Nagesh).
49.	Gangota, Gangoth.
50.	Ghatwar.
51.	Ghusuria.
52.	Godo (Chhavo), Godhi.
53.	Godra.
54.	Gokha.
55.	Gonrh, Gorh, Gothahum.
56.	Goud.
57.	Goudu.
58.	Gulgaliya.
59.	Hajjam, (Awadhiya, Kanaujia, Kawa, Nai, Naiya, Napit, Naya, Thakur).
60.	Hima, Karanjia, Qassar (Muslim).
61.	Idiroso or Darzi (Muslim).
62.	Irika.
63.	Judup.
64.	Jogi, Jogo, Jugi.
65.	Juang.
66.	Julaha.
67.	Kabari.
68.	Kadar.
69.	Kaghzi.
70.	Kahar, Chandraborai, Chatrapati, Chotra Bansi, Ramani, Rawani, Paneri.
71.	Kaibartta.
72.	Kalandar.
73.	Kalwar.
74.	Kamar, Barhai, Kakit, Maggia, Maghaiya, Mistri, Nagbansi, Viswakarma.
75.	Kamkar.
76.	Kandra.
77.	Kanu.
78.	Kapadia.
79.	Karwalnut.
80.	Kassab (Kasai) (Muslim).
81.	Kaura.
82.	Kawar.
83.	Kela.
84.	Keot.
85.	Khadwar.
86.	Khangar.
87.	Khatik.
88.	Khatwa.
89.	Khatwe.
90.	Khelta.
91.	Khetauri.
92.	Kishar.
93.	Kochh.
94.	Koli.
95.	Korku.
96.	Koshta.
97.	Kumarbhag Pahadia.
98.	Kumhar, Chotrapati, Kobhalkar, Kumbhar, Kumbhakar, Prajapati.

S. No.	Names of O. B. Cs.
99.	Kanjra.
100.	Kritiria.
101.	Kurmi.
102.	Kushwaha (Koeri).
103.	Laheri.
104.	Lalbegi, Bhangi (Muslim).
105.	Lodha.
106.	Lohar.
107.	Madar.
108.	Madari (Muslim).
109.	Mahishya.
110.	Mahto.
111.	Mahuria.
112.	Majhwar.
113.	Malar (Malhor).
114	Mali (Malakar).
115.	Mallah, Birhar, Gayotri, Ghetwel, Jalwar, Kewat, Kurwaha, Maheta, Majhi, Muriyoni, Masuria, Phutant, Purhia, Nisad, Goshi, Dhiwar, Jhiwar, Jhimar.
116.	Mangan.
117.	Mangar (Magar).
118.	Markande.
119.	Mauriaro.
120.	Miriasin (Muslim).
121.	Mirshikar (Muslim).
122.	Momin (Muslim).
123.	Maulik.
124.	Mukro (Mukero) (Muslim).
125.	Nalband.
126.	Namshudra.
127.	Nat (Muslim).
128.	Nav-Buddhists, Neo-Buddhists.
129.	Nonia, Kharwat, Nunia.
130.	Pahira.
131.	Pal (Bherihar-Gaderi). Gaderia.
132.	Pamaria (Muslim).
133.	Pandi.
134.	Parya.
135.	Patherkut, Bachigolia.
136.	Patnaik.
137.	Patwa.
138.	Phutdhar.
139.	Pinganiya.
140.	Pradhan.
141.	Rajbhar.
142.	Rajboshi (Risiya and Poliya)
143.	Rajdhobi.
144.	Rangwa.
145.	Rangrez (Muslim).
146.	Rautiya.
147.	Rayeen.
148.	Sangatrash.
149.	Sauta (Sota).
150.	Sayee (Muslim).
151.	Shivhari.
152.	Siyal.
153.	Soir, Soyer.
154.	Sunar Bakwar, Sonar, Swarnkar.
155.	Sunri.
156.	Tamariya.
157.	Tamboli
158.	Tamoli.
159.	Tanti, Tati, Tatin, Tatwa, Swati.
160.	Tapoli.
161.	Teli.
162.	Thakurai (Muslim).
163.	Tharu.
164.	Thathera.
165.	Tikulhar.
166.	Tiyar.
167.	Turha, Sao.
168.	Yadav (Gwala, Ahir, Gope, Sargope, Ghasi).

4. GUJARAT

S. No.	Names of O. B. Cs.
1.	Adodia.
2.	Agri.
3.	Ahir, Ayar-Boricha, Yadav
4.	Bafan (Muslims).
5.	Barot, Vahivancha.
6.	Bavocha.
7.	Bavri or Baori.
8.	Bawa, Atit Bawa, Bharathari, Bharti, Deshnami Bawa. Dashnam, Gangajalia, Giri, Gosai, Goswami, Ramanandi, Kapdi, Marki, Nath Bawa, Puri, Vairagi Bawa.
9.	Bhalia.
10.	Bhamta, Pardeshi Bhamta.
11.	Bharwad, Mota Bhai Bharwad, Nana Bhai Bharwad, Kabari, Baria Motta Bhai, Chosla, Janpada (where they are not Scheduled Tribes).
12.	Bhoi, Bhoiraj, Dhimar, Zinga-Bhoi, Kevat-Bhoi, Bhanara Bhoi, Kirat Bhoi, Machhindra Bhoi, Palewar Bhoi, Kahar Bhoi, Pardeshi Bhoi, Shrimali Bhoi.
13.	Burud.
14.	Chakrawadya Dasar.
15.	Charan, Charan Gadhavi (where they are not Scheduled Tribes).
16.	Chaudhari (where they are not Scheduled Tribes).
17.	Chhara, Adodia, Sansi.
18.	Chunara.
19.	Chuvalia Koli.
20.	Dabgar.
21.	Dafer (Hindus & Muslims)
22.	Dakaleru.
23.	Dhobi.
24.	Divachakoli.
25.	Fakir or Faquir (Muslims).
26.	Gadalia or Gadiluharia.
27.	Gadhai (Muslims).
28.	Galiara (Muslims).
29.	Ghanchi (Muslims).
30.	Chantia.
31.	Gola-Rana.
32.	Hingora (Hindus & Muslims).
33.	Jat (Muslims).
34.	Julaya, Garana, Taria & Tari (Muslims).
35	Kaikadi or Korach
36.	Kalhodia.
37.	Kambadia Bhagat.
38.	Kangasia.
39.	Khant.
40.	Kharwa-Bhadela.
41.	Khatik.
42.	Khatki or Kasai, Chamadia-Khatki, Halarikhatki (Muslims).
43.	Khristi Gujarati Christian (Converts from Scheduled Castes only).
44.	Koli, Koli Malhar, Koli Mahadev or Dongar Koli, Ghedia Koli, Idaria Koli, Kharwa Koli, Ratbha Koli, Baria Koli, Dhebaria Koli, Talpada Koli (where they are not Scheduled Tribes).
45.	Kotwal or Kotwalia.
46.	Kumbhar (Biyar, Kadra Patel, Lathiya, Potmaker Praja-Pati, Sakariya Variya, Varia).
47.	Labana, Mahravat, Goti, Hadkashi, Zod, Dhinga, Pelya, Shatbai, Baman.
48.	Lodha.
49.	Machhi (Hindu), Bitna, Dhimar, Dhivar, Kahar, Khalas, Khalasi, Kharwal, Mangela, Sarang, Tandel.
50.	Machi, Aaribharatbhara, Bharatbhara, Chamadia, Chandalia, Dasania, Jansali, Jingar, Myangar, Sonari, Sivania.
51.	Madari, Bharathari, Nath.
52.	Majothi Kumbhar, Darbar or Darban Majothi (Muslims).
53.	Makrani (Muslims).
54.	Mansari (Muslims).
55.	Matwa or Matwa-Kureshi (Muslims), Gavli (Hindus).
56.	Me or Meta.
57.	Mena (Bhil).
58.	Mer
59.	Miana, Miyana (Hindus & Muslims).
60.	Mir, Dhadhi, Langha, Mirasi (Muslims).
61.	Mistri, Gujar, Mistri Rathod, Mistri Suthar.
62.	Nat, Nat-Bajania, Natada, Bajigar.
63.	Nav-Buddhist, Neo-Buddhists.
64.	Od.
65.	Padhar (where they are not Scheduled Tribes).
66.	Padmashali-Pattushali.
67.	Palanwadia.
68.	Palwadia.
69.	Paradhi, Pardhi, Pardhi-Raj, Advichincher, Phase Pardhi (where they are not Scheduled Tribes).
70.	Pinjara, Ghanchi, Mansuri-Panjara (Muslims).
71.	Powra.
72.	Rabari, Sorthia, Charatia, Charmta, Luni, Kushar, Tank, Muchhal Kadiyakumbhar (where they are not Scheduled Tribes).
73.	Rathodia.
74.	Raval-Ravalia, Jati or Raval Yogi, Rawal Jati, Jagaria, Padat, Ravar Rawalia.
75.	Rohit.
76.	Salat (where they are not Scheduled Tribes).
77.	Sandhi (Hindus & Muslims).
78.	Sangheda.
79.	Sansi.
80.	Sarania.
81.	Sargara.
82.	Shikligar.
83.	Shingdav or Shingadya.
84	Shrawan, Sarwan.
85.	Siddi (where they are not Scheduled Tribes).
86.	Sipai, Patni Jamat or Turk Jamat (Muslims)
87.	Sochi.
88.	Sumra.

S. No.	Names of O. B. Cs.
89.	Talabia.
90.	Tankar.
91.	Targala, Bhayiya, Bhojak, Nayak.
91a.	Teli, Modh Ganchi.
92.	Thakaroa, Baria, Dharala, Patanwadia, Thakore.
93.	Thakur (Non-Rajputs).
94.	Theba (Muslims).
95.	Timali.
96.	Vadi.
97.	Vaghri-Gamicho, Vedva Churalia, Jakhudia (where they are not Scheduled Tribes).
98.	Vale, Valand, Nai (Hindus), Hajjam, Khalipha (Muslims).
99.	Vankar Sadhu.
100.	Vans-Foda, Vansfodia or Vanza, Wansfoda.
101.	Vanjara, Banjara, Charan Banjara, Mathura Banjara, Maru Banjara, Bagora Banjara, Kangashiya Banjara, Bamania Banjara, Ladonia Banjara, Gavaria or Gawalia, Rohidas Banjara.
102.	Wadwa Waghari.
103.	Waghari, Dataniya, Waghari, Vodu Waghari, Talapada Waghari, Gamachia Waghari, Godadia Waghari, Chibhadia Waghari.
104.	Wagher (Hindus & Muslims).
105.	Wandhara.

8. HARYANA

S. No.	Names of O. B. Cs.
1.	Aheria, Ahiria, Heri, Aheri, Naik, Thori, Turi.
2.	Ahir, Gawala, Gowala, Rao, Yadav.
3.	Bagaria.
4.	Balasaria, Bhagat, Bhara, Gagan, Kanwan, Kawandal, Kawdeya, Khiri, Kunkani, Loda, Lodha, Lodia, Mandi, Niwan, Ramka, Thira.
5.	Banjara, Banjara Nats, Lobana, Vanjara, Kanjar, Kanchan.
6.	Baragi, Bairagi.
7.	Barai, Tamboli.
8.	Barhai, Bimrao, Dadoi, Dhawal, Dhiman, Jangiar, Jangid-Brahman, Jangra-Brahmin, Khati, Kashyap, Manithiya, Rajotia, Ramgarhia, Suthar, Tarkhan, Viswakarma.
9.	Barma.
10.	Barra.
11.	Barwar.
12.	Battera.
13.	Beria.
14.	Beta, Hersi or Hesi.
15.	Bharbhuja, Bharbhunja, Kalenera.
16.	Bhat, Bhatra, Charan, Darpi, Ramiya.
17.	Bhubalia-Lohar, Garhi-Lohar.
18.	Bhura-Brahman.
19.	Chagar.
20.	Chang.
21.	Chhimba, Chimba, Darzi, Soi.
22.	Chhipi, Bhata, Mochela Pandla, Rohita, Untal.
23.	Chirimar.
24.	Dakaut, Bhargava, Dakot, Jyotshi, Ransahab.
25.	Daoli, Daola.
26.	Dhanwar.
27.	Dhaya, Dheya, Daiya.
28.	Dhimar, Mallah, Kashyap Rajput.
29.	Dhobi, Batham, Chauhan-Bhatti, Khurdania, Monson Rajpar, Tanwar.
30.	Dhosali, Dosali.
31.	Gadaria, Banghela, Barela, Biar, Birla, Hiranwal, Kalanlia, Podnowal, Pal, Shiviya.
32.	Gaddi.
33.	Gandwal, Gangwa
34.	Gawaria, Gauria, Gwar.
35.	Ghasi, Ghasiyara, Ghosi.
36.	Ghiradh, Ghirath.
37.	Godri.
38.	Gorkha.
39.	Gujar, Bahar, Barwal, Bhanot, Char, Kaisan, Magria, Magria, Padaji, Rawal, Sangi.
40.	Gutka Jat, Chillon Jat.
41.	Harni.
42.	Jhimar, Atlas, Bidran, Bire, Dhinwar, Duglan, Dora, Chitre, Jhewar, Jhinwar, Jimar, Kahar, Kirnal, Lamsar, Malri, Radhav, Tala.
43.	Jogi, Bans, Chillar, Faqir Gandi, Goliya, Nath, Padha, Powar, Riwal, Ruel, Tanwar, Toor, Sihag.
44.	Julaha (Weaver).
45.	Kamboj, Bangwa, Bangwai, Chimde, Gadhi, Gagwaik, Jangla, Kamboh, Lagle, Padhe, Pradhan.
46.	Kehal.
47.	Khanghera.
48.	Kuchband.
49.	Kumhar, Prajapati.
50.	Kurmi.
51.	Lobana, Labana, (Same as in S. No. 5).
52.	Lakhera, Chhan, Manihar, Panihar, Paniar
53.	Luhar, Lohar.
54.	Madari.
55.	Maghya.
56.	Mahatam.
57.	Meena, Mina.
58.	Mawati.
59.	Mirasi, Gathala, Halwe, Kuchra, Simrachhukar.
60.	Mochi.
61.	Naar.
62.	Nai, Amrewal, Banbiro, Didhia, Hajjam, Mandi, Jadowal, Japi, Juvwa, Kaikan, Kaila, Kaith, Kuleen-Brahman, Matwal, Napit, Navki, Neogi, Panwar, Rajwan, Thakur
63.	Nalband.
64.	Noongar, Mungar.
65.	Pakhiwara.
66.	Pinjali, Pinja.
67.	Rachband.
68.	Rai-Sikh.
69.	Rehar, Rehara, Rihar, Rea.
70.	Saini.
71.	Shorgir.
72.	Singikant, Singiwala.
73.	Sunar, Astha, Chaganara, Dawar, Kangra, Karod, Katevíriya, Lamba, Mahij, Mandwa, Saraf, Shirisiwan, Sirsohal, Sona, Soni, Swarnkar, Thingo, Urwal.
74	Taga.
75.	Teli, Hansari, Kanala.
76	Thathera, Tamera, Thater, Kasera, Tamkar.

6. HIMACHAL PRADESH

S. No.	Names of O. B. Cs.
1.	Aheria, Aheri, Heri, Naik, Thori, Turi.
2.	Ard-Pop.
3.	Arya, Dingra.
4.	Badi, Chinaora, Melori, Odmata, Uranamara.
5.	Badhai, Badai, Barahi, Dhiman, Jhangra-Brahman, Khati, Kondal, Ramgarhia, Tarkhan, Taryal, Vishwakarma.
6.	Bagria.
7.	Bahti.
8.	Baragi, Bairagi.
9.	Batterha.
10.	Beda.
11.	Beta, Hensi, Hesi.
12.	Bharbhunja, Bharbhuja.
13.	Bhat, Bhatra, Darpi.
14.	Bhuhalia.
15.	Chang, Chahang.
16.	Changar.
17.	Chelapa.
18.	Chimbe, Chipi, Chimpa, Darzi, Soi.
19.	Chirimar.
20.	Daiya.
21.	Dhimar, Dhiwar, Dhinwar, Jheevar, Jhinwar, Kahar, Kashyap-Rajput, Mallah.
22.	Dhosali, Sosal.
23.	Faquir.
24.	Gaddi (excluding the areas where specified as Scheduled Tribe).
25.	Gaderia.
26.	Gawaria, Gauria.
27.	Ghai.
28.	Ghasi, Ghasiara, Ghosi.
29.	Ghirath, Ghrit, Grith-Bahti Chang.
30.	Godri.
31.	Gorkha.
32.	Gowala, Gwala, Gwar, Yadav, Ahir.
33.	Gujjar, Gujar (excluding the areas where specified as Scheduled Tribe).
34.	Gumtian.
35.	Harni.
36.	Jori.
37.	Kanghera.
38.	Kanjar, Kanchan.
39.	Kehal.
40.	Kolaga.
41.	Kumhar, Prajapati.
42.	Kurmi.
43.	Labana.
44.	Madari.
45.	Mahatam.
46.	Marasi.
47.	Mehra.
48.	Nai, Bamneru, Hajam Kuleen-Brahman, Patiyal.
49.	Nalband.
50.	Nar.
51.	Pakhiwara.
52.	Pinja, Penja
53.	Rechband.
54.	Sagra.
55.	Sunar, Jargar, Kapila, Soni, Swarnkar, Tonk.
56.	Surehra.
57.	Thawin.

7. JAMMU & KASHMIR

S. No.	Names of O. B. Cs.
1.	Bakerwal, Bakkarwal.
2.	Bazigar.
3.	Bhand.
4.	Beda (Drum-beaters/Pipers).
5.	Bharai Tarkhan.
6.	Bhangi, Khakrob (Sweepers).
7	Bhat.
8.	Banjara, Gour, Badi, Labana.
9.	Bharunja.
10.	Baffand.
11.	Bowria.
12	Chopan.
13.	Damali-Faqir.
14.	Dhar (Muslim).
15.	Dhobi (Washerman).
16.	Doom, Dooma, Ganai/Qusab (excluding those in S.C.).
17.	Dosali.
18.	Dholwala.
19.	Farda.
20.	Fishermen.
21.	Gaddi.
22.	Gara (Blacksmiths).
23.	Gharati.
24.	Gore-khans.
25.	Gratie.
26.	Gujjar.
27.	Gujree.
28.	Hajjam, Nai (Barbers).
29.	Hangie (Manjhi Boatmen and rowing class excluding houseboat owners).
30.	Hilka/Mason.
31.	Jheewar.
32.	Jullaha.
33.	Jogi.
34.	Kesar.
35.	Khatana.
36.	Kholie.
37.	Kul-Faqir.
38.	Kumhar (Potters).
39.	Lohar.
40.	Lone.
41.	Madari.
42.	Mahigir.
43.	Malyar.
44.	Mir.
45.	Mirasi.
46.	Mochi, Saraj (Shoe-repairers).
47.	Mon (Drum-beaters).
48.	Nal-Band.
49.	Para.
50.	Parna, Perna.
51.	Peer.
52.	Pathir.
53.	Pony-Men-Mule-Men.
54.	Sansi.
55.	Shaksaz.
56.	Shin.
57.	Shupri Wattal (excluding those in S.C.).
58.	Sikligar.
59.	Sangtrash.
60.	Saraj.
61.	Sochies.
62.	Teli.
63.	Yashkun.

8. KARNATAKA

S. No.	Names of O. B. Cs.
1.	Adiya (excluding Coorg District).
2.	Agasa, Madivala, Sakala, Sakalavadu, Shakala, Tsakala, Vannan, Dhobi, Parit, Rajaka.
3.	Aghori, Karkarmunda.
4.	Agnani.
5.	Ambalakarma, Ambalakaran.
6.	Andh.
7	Anduram.
8.	Ansari, Julai (Muslims).
9.	Aranadan.
10.	Atar.
11.	Atazri.
12.	Baagawan Tamboli (Muslims).
13.	Badaga.
14.	Bagalu.
15.	Bagata.
16.	Baira.
17.	Bailapatar, Bailaptar, Bikapatar.
18.	Bairagi, Bava, Bavaji, Byragi, Bavani.
19.	Bajania, Bajenia.
20.	Bakadra.
21.	Balija, Bajajiga, Naidu, Bogam Telaga, Telaga, Balaja, Setty Balija, Kasban, Munnur, Mutrasi, Matracha, Janappan, Balegara.
22.	Balasanthoshi.
23.	Balasanthanam.
24.	Banna, Bannagar.
25.	Bant (excluding Belgaum, Bijapur, Dharwra and North Kanara District).
26.	Bantu.
27.	Barda.
28.	Bariki.
29.	Barlur.
30.	Bathal, Battal, Batler, Battar.
31.	Bathini.
32.	Battada.
33.	Bavuri.
34.	Bawtar.
35.	Bazigar.
36.	Beda, Bedaru, Valimiki, Barki Bedar, Parivara, Bendar, Boya, Bedar, Nayaka, Bedar Nayak, Naikomakkalu, Naikwadi, Palegar, Romoshi, Talwar, Valmiki, Valmiki-makkalu, Vedam.
37.	Begari.
38.	Bellara.
39.	Behurupi.
40.	Berad (Bedar).
41.	Beri (Muslims).
42.	Beria.
43.	Beshtar, Bunde-Bestar.
44.	Bhamta, Bhompta, Pradeshi, Bhampta, Bhomtra, Takari, Uchillian, Rajput Bhamta.
45.	Bhaot, Bhatraju, Bhatraj, Bohrot.
46.	Bhardi, Bharagi.
47.	Bhavin.
48.	Bhottadas, Boto Bhottada, Muria Bhottad, Sano Bhottada.
49.	Bhumias-Bhuri-Bhumia and Bodo Bhumia.
50.	Binapatta.
51.	Bindli.
52.	Bingi.
53.	Bissoy, Barangi Jodia, Bennagi, Dadua, Frangi, Hollar, Jhoriya, Kollai, Konde, Paranga, Penga Jodia, Sodo and Takora.
54.	Bogad-Bogadi, Bagodi, Bagadi, Bagdi, Bogodi.
55.	Budbukk, Budbudki, Budbukala, Devari, Joshi, Burbook.
56.	Byagari.
57.	Chachati.
58.	Chakrawadya Dasar.
59.	Chamboti.
60.	Cham Bukutti.
61.	Chandal.
62.	Chapparband, Chapparbanda (Muslims).
63.	Chaptegar, Chaptegara.
64.	Chara, Chhar, Chhara.
65.	Charodi, Mestha.
66.	Chintala.
67.	Chitrakathi-Joshi.
68.	Chitra, Chitrakar.
69.	Chuhar or Chuhra.
70.	Chunchar.
71.	Dandasi.
72.	Dang-Dasar.
73.	Darzi (Hindu and Muslims), Bhavasar, Kshatriya, Chippi, Chippiga, Simpi, Shimpi, Shiv Shimpi, Sai, Mirai, Rangari, Rangrez, Nilari, Namdev, Rangare, Neelagar.
74.	Darvesa.
75.	Dasari, Desri.
76.	Davadiga, Devadigar, Moili, Moyili, Devadig, Devaili Sappaliga, Sheregar, Servegar, Suplig, Ambalavasi.
77.	Devang, Challiyan, Chilliyan, Koshti, Hutgar, Jed, Winkar, Julahi, Hutkar, Hatgar.
78.	Dhanka including Tadvi, Tetaria and Valvi.
79.	Dher.
80.	Dhobi (Muslims).
81.	Dhodia.
82.	Dholi.
83.	Digwan, Jinger.
84.	Dombs-Audhiya, Dombs-Audiniya, Dombs-Christian, Dombs-Chonel, Dombs-Miragani, Dombs-Oriya, Dombs-Ponaka, Dombs-Telaga, Dombs-Ummia.
85.	Donga Yerukalas.
86.	Dombidasa.
87.	Durgamurga-Burburchal.
88.	Easlija, Daavat.
89.	Faqir (Muslims).
90.	Gadaba, Gadabasboda, Gadaba-Cerilam, Gadaba-Franji, Gadaba Jodia, Gadaba Olaro, Gadaba Pangi.

S. No.	Names of O. B. Cs.
91.	Gandla, Teli.
92.	Gangani, Gabit, Gabbit, Gapit, Gasbit.
93.	Gangakule, Gangemakkalu, Gowrimatha, Ambig, Ambiga, Kabbaliga, Kabbili, Kabber, Kabbera, Kharvi, Bhoyi, Boyi, Thoreya, Harakanthra, Harikanthra, Kahar, Meenaagar, Kharia, Sunnagar, Siviyar, Bestha, Gangamatha, Gangaputra, Bhoi, Pariyara, Eravva, Brudebestaru, Mogaveera.
94.	Ganiga, Chakkam, Teli.
95.	Ghadi.
96.	Ghadsi, Ghadshi.
97.	Ghasi or Haddi, Relli, Sachandi, Ghasi, Boda Ghasi and Sanghasi.
98.	Gatti.
99.	Ghisadi.
100.	Ghondali, Gondaliga, Gondhali, Gondhulli.
101.	Giddildki, Pingle, Pingale.
102.	Godagali.
103.	Godari.
104.	Gogra.
105.	Golla, Gouli, Gopal, Yadava Asthana Golla, Yadava, Adavi Golla, Gopala, Gopali, Hanabaru, Krishna Golla, Anubaru, Atanaburu, Hanbar, Hanabar, Dudhigola.
106.	Gondi-Modya Goud and Rajogond.
107.	Gondus-Bato, Bhirithya, Dudho, Kouria, Hato Jatako and Joria.
108.	Gondali.
109.	Goniga, Sadusetty.
110.	Gosavi, Gosayi, Gosain, Atit.
111.	Gudigar.
112.	Gujar, Guzar (Masons).
113.	Gurav, Gurov, Tambli, Tamballa, Gurava, Gurout, Gurrat.
114.	Halawakki, Wakkal, Vakkal, Gram Vakkal, Gam-Gowda, Gam-Gawada, Gvada, Karevakkal Kunchavakal, Attevakkal, Shilwakkal, Halakkivakkal.
115.	Hallfee.
116.	Handevazir.
117.	Handervut.
118.	Haranshikari, Chigaribetegar, Vaghri, Wagiri, Nirshikari, Bagri, Baori, Phasachari, Vagri.
119.	Helava.
120.	Hill Reddi.
121.	Holeva.
122.	Holva, Helava, Helavamallur, Helvagolla, Handihelva, Pitchiguntalu, Helvaru.
123.	Honniyar.
124.	Hovadiga, Hugar, Hoogar, Mallgar, Mali, Phoolmali, Phulmali, Phulari, Pholari, Jeer.
125.	Howgar, Hawagar, Howadiga.
126.	Iliga, Halepaik, Billaava, Devar, Malayali-Billava, Deevar, Divaramakkalu, Namdhari, Goondle, Goundla, Thiyar, Tiyan, Idiga-Kalal, Diviga, Eliga, Kommarpaik.
127.	Jadapus.
128.	Jaggal.
129.	Jatapus.
130.	Javeri, Jawari, Johari.
131.	Jogi, Jogar, Sanjogi, Joger, Sanyasi.
132.	Kadan.
133.	Kadar.
134.	Kadu-Konkani.
135.	Kalloda.
136.	Kamati, Kanian.
137.	Kammara (excluding Kollegal taluk of Mysore Distt.).
138.	Kanate.
139.	Kanbi, Kulwadi, Kunbi.
140.	Kanjar, Kanjari, Kanjir, Khanjarbhat.
141.	Kanisan, Kaniyan, Kanyan (excluding Kollegal Taluk of Mysore Distt.), Kaniyar.
142.	Kapumaries.
143.	Karikudumbi.
144.	Karimpalan.
145.	Karuva.
146	Kasai, Katik, Khatik, Katuka, Katuga, Kasab, Aray, Kulal.
147.	Kasar, Kansar, Kancheri, Kanchara, Kanchungara, Bogar.
148.	Kasbin.
149.	Kashikappi, Kashi Kapadi, Tirumali.
150.	Katabu, Katabar.
151.	Katipaula.
152.	Kavadi.
153.	Kavatiyan.
154.	Kelkari, Khelkari.
155.	Khond.
156.	Kichagara.
157.	Kodalo.
158.	Kodu.
159.	Kolayanurali.
160.	Kolayiri, Kolari.
161.	Koli Mahadeo.
162.	Kolla, Kollaha.
163.	Kolthati, Kolhatigi.
164.	Komakpu.
165.	Kommar.
166.	Kond (Kui).
167.	Konda Dhora, Konda Reddis.
168.	Kondh, Desaya, Kondhs, Dongria, Kondhs, Kuttiya, Kondhs, Tikiria.
169.	Konga, Kongadi.
170.	Konkna Yenity.
171.	Kaikadi, Koragar, Yerkala, Erakala, Kunchi, Korva, Koramasetty, Yerukala.
172.	Kosalya Goudus, Bosothoriya Goudus, Chitti Goudus, Dangayath Goudus, Dodukamariya, Dodukamarao, Adiya Goudus & Pullosariya Goudus.
173.	Kotari, Kottari.
174.	Koteksbatriya.
175.	Kotia-Bartika, Benthooriya, Dhulia or Dulia, Holva Paiko, Putiya, Sanrona and Sidho Paiko.
176.	Koyava.
177.	Kudubi, Kudubi-Koyi.
178.	Kumbara, Kummara, Khumbhar, Kambhar, Kulala, Kulalar, Moolya, Kusavan.
179.	Kunchi Korwa.
180.	Kurichchan.
181.	Kuraban, Kurumban, Kurumba, Hulumatha, Dhangar Bharwad, Gorava.
182.	Kurma, Kurni.
183.	Kutuma.
184.	Kuruva, Kurub, Kurab, Kurubar.
185.	Ladar, Lad, Ladaru, Yelegar.

S. No.	Names of O. B. Cs.
186.	Lippara.
187.	Lingayat Sections namely Shimpi, Shivashimpi, Neelagar, Koshti, Hatagar, Jeda, Bilijeda, Neygi, Kurnhinashetty, Bilimagga, Nayinda, Navi, Kshonrada, Kelasi, Hadapad, Nadig, Mangala, Kummar, Badagi, Agasa, Modivala, Rajaka, Gurav, Tambli, Kumbar, Kambhar, Kulal, Banagar, Nagalika, Gowli, (Cowherd), Hugar, Jeer, Malagar, Teligar, Pujar, Mathapatis amongst Jangams, Ganigar, Shuddashiva Shivarechka, Jhammadi.
188.	Lonari.
189.	Magatha Goudus, Bernia-Goudus, Boodo Magatha, Dongayath Goudu, Lady Goudu Pona Magatha and Sana Magatha.
190.	Mahasari.
191.	Maidhasi.
192.	Malis, Korchiamalis, Paiko Malis and Pedda Malis.
193.	Maniyani, Muniyani.
194.	Manna Dhora.
195.	Mannan.
196.	Marayan, Maravanr.
197.	Marta.
198.	Marathi (excluding South Kanara Distt.).
199.	Masaniayogi.
200.	Medara, Medari, Burud, Gauriga, Medara.
201.	Mitha Ayyalvar.
202.	Modiga, Modikara, Modikar.
203.	Mondiwar, Mondi waru.
204.	Modugar or Muduvan.
205.	Mudhar.
206.	Mukha Dhora or Nooka-Dhora.
207.	Mukkavan.
208.	Muliya, Muria.
209.	Murrari.
210.	Nadafs, Ladafs, Dhunya, Mansuri, Pinjar or Pinjari (Muslims).
211.	Nadora, Nadar, Uppunador, Troke Nador.
212.	Nat, Natuva.
213.	Nalki.
214.	Nalband (Muslims).
215.	Nandiwala, Fullmali.
216.	Nathpanthi, Dauri Gosavi.
217.	Nav-Buddhists. Neo-Buddhists.
218.	Nayinda, Nayanaja Kshatriya, Hajjam Nhavi, Nadig Ambettam Mangala, Kelasi, Kshowrad, Ksihowrik, Chouriya, Navaliga Napitha, Bhandari.
219.	Nelakanavaru.
220.	Neygi, Kuruhingsetti, Bilimagga, Thogata, Soniga, Jamkhana. Ayiri, Avir, Sale, Saale, Kaikolan Neikar, Jadar, Jandra Swakulasale.
221.	Ostha.
222.	Otari.
223.	Pacha Bhotla, Pacha Botla.
224.	Padampari.
225.	Padamsali-Margude, Setty. Devanga.
226.	Padarti.
227.	Padia, Padiyar.
228.	Padit.
229.	Pagadai.
230.	Paigarapu.
231.	Painda.
232.	Paky.

S. No.	Names of O. B. Cs.
233.	Palasi.
234.	Palli.
235.	Pamidi.
236.	Pamula.
237.	Panaba.
238.	Panan.
239.	Panasa, Panssa.
240.	Pandaram, Pandar, Pandara.
241.	Pan Davakulan.
242.	Panika, Panikkar.
243.	Papmelara Konkani.
244.	Pardhan.
245.	Pasi.
246.	Patra.
247.	Patramela.
248.	Patvekari, Pategar, Pattegar.
249.	Pentia.
250.	Pichati, Pichari.
251.	Pindaras or Pendaris (Muslims).
252.	Pichgunta, Picchiguntala, Pichuguntala.
253.	Pomla.
254.	Porjas, Bonda, Daruva, Didua, Mundili, Pengu, Pundi and Saliya.
255.	Poroja-Boda Poroja, Sodia Poroja, Sano Poroja, Joddia Poroja and Parenga Poroja.
256.	Powara.
257.	Pulayan.
258.	Pullavan.
259.	Puthirai Vam.
260.	Qureshi (Kassab) Muslims.
261.	Rajapuri, Rajpur, Balavalikar
262.	Rajput.
263.	Raval, Ravalia Raul.
264.	Rawat, Raya, Rewath.
265.	Reddi Dhora.
266.	Reinudas.
267.	Relli Orsachandi.
268.	Rona,
269.	Sadajoshi.
270.	Sangari.
271.	Santal.
272.	Saniyar.
273.	Sansi.
274.	Sansia.
275.	Saora.
276.	Sare.
277.	Sarodi, Saroda.
278.	Sarania.
279.	Satarkar.
280.	Satani, Chattada, Srivaishnava.
281.	Savarsa. Kapusavara, Khuttosavara, Mallya Savara.
282.	Seerithi Goudu.
283.	Semman.
284.	Shanan.
285.	Shingdav or Shingadya.
286.	Shikkaligar of Sikkaligar.
287.	Sholagar.
288.	Sindhor.

S. No.	Names of O. B. Cs.
289.	Sochi.
290.	Soliga.
291.	Sonar, Arya (Koli).
292.	Sore.
293.	Sunna, Sunnai.
294.	Surava.
295.	Sudir, Sudra.
296.	Sutsali.
297.	Sweepers (Muslims).
298.	S.C. (Converted to Christianity).
299.	Tachavire.
300.	Takankar.
301.	Takaras (Muslims).
302.	Talavia.
303.	Telaga.
304.	Teruvan, Chillya.
305.	Thottia-Naicks.
306.	Thotewadu.
307.	Tigala, Thigala, Tigler, Vannikula Kshatriya, Shanbhukula, Kshatriya, Dharmaraja, Kapu Kuravan, Pallai Agnikula Kshatriya.
308.	Tilari, Tirali.
309.	Tilvi.
310.	Timali.
311.	Tiruvalluvan.

S. No.	Names of O. B. Cs.
312.	Turi.
313.	Uppaliga Settey-Reey.
314.	Uppara, Uppear, Uppiliyan, Beldar, Sagara, Chunar, Gavandi, Govandi, Govadi; Goundi, Melusakkare.
315.	Vadi.
316.	Vaidu.
317.	Vajiuthedan.
318.	Valayar.
319.	Valvai.
320.	Vathiriyan.
321.	Vasudev.
322.	Vettuvan.
323.	Vir, Veer, Veeramasti.
324.	Vishwa Brahman, Sarpa, Daivagnya-Brahman, Kammar, Ausala, Kammalan, Kamsal, Kamsala, Panchal, Panchala, Sutar, Badagi, Badiwdli, Soni, Pattar, Gejjigar Silipi.
325.	Vishwakarma-Luhar, Akkasale, Achari, Sivachar, Ahru.
326.	Vitholia.
327.	Vokkaliga (Rural areas only).
328.	Yandi.
329.	Yeklar, Yaklar, Yekkali, Egalika.
330.	Yeralu.
331.	Yeragolawad or Thella Pamalwada.
332.	Yenadiwaos.
333.	Zargars/(Muslims).

9. KERALA

S. No.	Names of O. B. Cs.
1.	Agasa.
2.	Alavan.
3.	Ambalakkaran.
4.	Ampattan.
5.	Amblar, Ambathan, Ambithan, Ezhavatery, Kalrrikurup, Maruthuvar, Naiken, Pandithar Villakkithalanavi.
6.	Anglo-Indian.
7.	Arayan.
8.	Arayavathis.
9.	Aremaharti.
10.	Arya.
11.	Arayas.
12.	Badaga.
13.	Bagata.
14.	Bandari.
15.	Bariki.
16.	Battada.
17.	Bavuri.
18.	Bhillava.
19.	Bhottadas-Bodo-Bhottada, Muria-Bhottada, and Sano Bhottada.
20.	Bhumias-Bhumia and Bodo Bhumia.
21.	Bissoy-Barangi Jodia, Bennangi, Bollar, Daduva, Frangi, Jhoriya Kollai, Konde Pranga, Penga Jodia, Sodo Jodia and Takora.
22.	Byagari.
23.	Chachati.
24.	Chackaravar.
25.	Chakkala.
26.	Chalavadi.
27.	Channan, Chaliya.
28.	Chaptegra.
29.	Chatti.
30.	Chatiyar, Chakkale Chattiyar, Telegu, Vanikavaisya, Vanniar.
31.	Chavalakkaran.
32.	Chayakkaran.
33.	Chenchu.
34.	Chetties (Kottar Chetties, Parakka Chetties, Elur Chetties Attingal Chetties, Pudrakkada Chetties, Iraniel Chetties, Sri Pandara Chetties, Telegu Chetties, Udayamkulangara Chetties, Wynadan Chetties and Palavara Cheties).
35.	Dandasa, Dandasi.
36.	Davendrakulathan.
37.	Devadiga.
38.	Devanga.
39.	Devar.
40.	Dhakkada.
41.	Dom, Dombara, Paidi or Pano.
42.	Dombo.
43.	Domb-Andhiya Domb, Audiniya Domb, Chonel Domb, Christian Domb, Mirgani Domb, Oriya Domb, Ponaka Domb, Telegaga Domb and Ummia Domb.
44.	Ezhavas.
45.	Ezhavathi.
46.	Ezhuthachan.
47.	Gadabas-Bodo Gadaba, Cellan Gadaba, Franji Gadaba, Jodia Gadaba, Olaro Gadaba, Pangi Gadaba and Pranga Gadaba.
48.	Ganaka.
49.	Gangam Reddi.
50.	Gatti.
51.	Ghasi or Haddi, Relli Sachandi.
52.	Ghasis-Boda Ghasis and San Ghasis.
53.	Godari.
54.	Gond.
55.	Gondi-Modya Gond and Rajo Gond.
56.	Goudus-Bato, Bhivthiya, Dudho Kouria, Hato Jatako and Joria.
57.	Gounder, Pillai.
58.	Gowda.
59.	Haddi.
60.	Hegde.
61.	Holva.
62.	Illavan.
63.	Ilavathi.
64.	Izhuven (Illuvan).
65.	Jadapus.
66.	Jaggali.
67.	Jambuvulu.
68.	Jatapus.
69.	Jogi.
70.	Kadupattan.
71.	Kaikolan Kammara (excluding the areas comprising old Malabar District).
72.	Kammalas, Viswa Karmalas (Viswa Karma Karuvan Agari, Moosari, Thattan Vilkurup or Villasan, Viswabrahmanar, Viswam).
73.	Kanisan.
74.	Kanisu or Kaniyar Panicher, Kani or Kaniyan (Ganaka) or Kanisanor Kamnan.
75.	Kaniyan.
76.	Kanjar.
77.	Kannadiyan.
78.	Kapumaries.
79.	Kathikkaran.
80.	Kauathi.
81.	Kavudiyaru.
82.	Kavuthiyan.
83.	Kelasi (Kalasi Parnicker).
84.	Kerala Mudalis.
85.	Khattis, Khatti, Kommorao and Lohara.
86.	Khond.
87.	Kitaran.
88.	Kodalo.
89.	Kodu.
90.	Kommar.
91.	Kond Danoars.
92.	Konda Dora.
93.	Kond (Kui).
94.	Kondhs-Desaya Kondh, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondhs and Yemity Kondhs.
95.	Kongu Malayan.

S. No.	Names of O. B. Cs.
96.	Korachas (or Koravar or Yerukala).
97.	Kosalya Goudus, Bosothoriya Goudus, Chitti Goudus, Dangayath Goudus, Doddu Kamariya, Dudu Kamaro, Ladiya Gouds and Pullsoriya Goudus.
98.	Koteyar.
99.	Kotia-Bartika. Bentho Oriya Dhulia or Dulia. Holva Paiko, Putiya, Sabrona and Sidho Paiko.
100.	Kova or Goud. with its subsects Raj or Risha Koya. Kottu Koya and Lingadhari Koya.
101.	Koyi.
102.	Krishnayaka.
103.	Kudubi, Kudumbis.
104.	Kusavan (Kulala, Andhra Nair or Anthuru Nair).
105.	Lambadi, Banjara, Sugali, Gavara.
106.	Latin Catholics.
107.	Madara
108.	Madari.
109.	Madiga.
110.	Madivala.
111.	Magatha Goudus-Bernia Goudus Boodot Magatha, Dongayath Goudus Ladya Goudu, Ponna Magatha and Sanna Magatha.
112.	Mala Dasu.
113.	Malas or Agency Malas, Valmikies.
114.	Mala Pantaram.
115.	Mala Pulayan, Karavali Pulayan, Kurumba Pulayan, and Paubu Pulayan.
116.	Malayekandi.
117.	Nalis, Korchia Malis. Paikonalis and Pedda Malis.
118.	Malla Malasar.
119.	Manavans.
120.	Manna Dhora.
121.	Mappila.
122.	Marakkan.
123.	Maravans.
124.	Marathi, Marati.
125.	Marauan.
126.	Matangi.
127.	Maune.
128.	Medara.
129.	Mogaveera.
130.	Mukkuvan, Mukaya
131.	Muliya.
132.	Muria.
133.	Muria Bhottada.
134.	Nadar.
135.	Naidu Balija Gouda, Vadugan.
136.	Naikkans.
137.	Nattu Malayans.
138.	Nulayan.
139.	Odans (Andhra Nair or Anthuru Nair)
140.	Ojulus or Metta Komsalies.
141.	Omanaito.
142.	Pagadai.
143.	Paidi.
144.	Paigarapu.
145.	Painda.
146.	Paky.
147.	Palasi
148.	Pamidi.
149.	Pandaran, Maniakar.
150.	Pandithavs.
151.	Panikkan.
152.	Panniandi.
153.	Panniyar.
154.	Pano.
155.	Pattariya.
156.	Pentia.
157.	Perumkollans.
158.	Peruvannan (Vearanacvar).
159.	Pillai.
160.	Porja-Bodo, Bonda, Daruva, Diduva, Jodia, Mundili Pengiyi, Pydi and Saliya.
161.	Poroja.
162.	Porojas-Bodo Poroja or Sodia, Saño Poroja. Jodia Poroja and Pareng Proja.
163.	Pulaya.
164.	Pulluvan.
165.	Rajapow.
166.	Reddian.
167.	Reddi Dhora.
168.	Relli or Sachandi.
169.	Rona.
170.	Sakaravar (Kavathi).
171.	Saliyas.
172.	Sambavan (Tamil).
173.	Saora.
174.	Sapari.
175.	Savara.
176	Savaras-Kapusavaras Khotto Savaras and Maliya Savaras.
177.	Scheduled Castes converted to Christianity.
178.	Senai Thalavar (Elavaniar).
179.	Seerithi Goudus.
180.	Sholaga.
181.	Sholagar.
182.	S.I.U.C.
183.	Sourashtras.
184.	Thanta Pulayan.
185.	Thiyyas.
186.	Tholko Lans.
187.	Thontaman.
188.	Thottia Naick.
189.	Thottain.
190.	Tiruvalluvar.
191.	Woda.
192.	Vaduvan.
193.	Vakkaliga.
194.	Valmiki.
195.	Vanian (Vanika, Vanika Vaisya, Vanikha Chetty, Vaniya Chetty. Ayiravar, Nagarthar and Vaniyan).
196.	Vaniar
197.	Varnavar.
198.	Velaan.
199.	Veerasaivas (Yogeeswara and Yogis).
200.	Veluthedathu Nair (Veluthedan and Vannathan).
201.	Vilakkethal Nair (Nilakkthalavan).
202.	Vettakkran.
203.	Vishavan.
204.	Vizhavan (Malankhdi).
205.	Yadavan (Idayan).
206.	Yanadi.
207.	Yadava (Iruman, Kolaya, Muniyani, Ayar).
208.	Yerukula.

16. MADHYA PRADESH

S. No.	Names of O. B. Cs.
1.	Adidharmi.
2.	Adhori.
3.	Adikarnataka.
4.	Aheri
5.	Ahir, Gavala, Goala, Gwal, Kansa, Thakur, Jadav, Yadav.
6.	Asara.
7.	Athiya.
8.	Audhie, Avadhi.
9.	Audhiya.
10.	Badak.
11.	Badaka.
12.	Badhai, Ade-Gaur, Chaurasia, Pansari, Sutar, Suthar, Tudolia, Viswakarma.
13.	Badi.
14.	Badia, Beaja, Biria, Dukar, Kolthati, Kolhati.
15.	Badigar.
16.	Baghia, Baree, Bawar, Payak, Vaidyanai.
17.	Bajgar.
18.	Bahurupi.
19.	Bairagi.
20.	Banjara, Goar Banjara, Lambana/Lambara, Lambhani, Charan Banjara, Labham, Mathura Labhani, Kachiriwala Banjara, Laman Banjara, Laman/Lambani, Laban, Dhali/Dhalia, Dhadi/Dhari, Singari, Navi Banjara, Jogi Banjara, Banjari, Mathura Banjari, Bamania Banjara.
21.	Baoria.
22.	Baragahi, Labana, Labhan, Lamame, Mathura, Nayakda, Thuria.
23.	Barai Jambali.
24.	Baroi.
25.	Barar.
26.	Barari.
27.	Bargi.
28.	Barhai, Kundera, Barhai Sutar.
29.	Bari, Baree.
30.	Baria.
31.	Barhunda.
32.	Basdewa, Vasdev, Vasudewa.
33.	Basudev, Harbola, Jaga, Kaparia, Kapdi.
34.	Baver.
35.	Bawaria.
36.	Bajania, Kannatia.
37.	Behna, Pinjara, Dhunia.
38.	Bemariha
39.	Bengali.
40.	Beria.
41.	Bhadi-Waddar, Matti-Waddar, Waddar.
42.	Bhaduja.
43.	Bhadre.
44.	Bhaduria.
45.	Bhamta, Bhamti, Bhanmate, Bhanta, Bhaumate.
46.	Bhand.
47.	Bhantu.
48.	Bharari.
49.	Bharbhuja.
50.	Bharewa.
51.	Bharia, Bharihar.
52.	Bharud.
53.	Bhat, Charan, Brahmbhat, Jasondhi, Mary, Maru, Sotiya, Salui, Salvi.
54.	Bhatiyara.
55.	Bhavsar, Chippa, Nilgar, Nirali, Rangrez, Rangari.
56.	Bhima.
57.	Bhishti, Bhisty.
58.	Bhoi.
59.	Bhot.
60.	Bhoyar.
61.	Bhujwa.
62.	Bhurtiya.
63.	Bhutia.
64.	Bidakia.
65.	Bidia.
66.	Bijoria.
67.	Boreka, Gopal.
68.	Brijbasi.
69.	Caulota, Kolota.
70.	Chandra Vedia.
71.	Chipar.
72.	Chitari.
73.	Chipi, Darzi, Meru.
74.	Choongar, Chunkar.
75.	Dabgar.
76.	Dafali, Dholi.
77.	Dahez.
78.	Dana.
79.	Dangi.
80.	Deshwa, Deshwalu.
81.	Deshwali, Dewang, Jandra, Koskati.
82.	Dhakad, Bhandari, Nagar, Singhavi, Talaya.
83.	Dhankia, Dhanka.
84.	Dhangar, Bagla, Gadri, Gadaria, Hatgar, Hatkar, Kurmar, Pal.
85.	Dhimen.
86.	Dhimer, Benua, Banawar, Bhorji, Dhimar, Kewat, Raikar, Raikwar, Saimari.
87.	Dhirkar.
88.	Dhiwar, Britia, Navada, Ezingabhui.
89.	Dhobi (Excluding those in S/C).
90.	Dholi.
91.	Dhunia, Naddaf.
92.	Dhunkar Kadore.
93.	Fakir, Faquir, Sain.
94.	Fakir-Bandarwala.
95.	Gadole, Gaddoli, Langoliha, Lohpita.

S. No.	Names of O. B. Cs.
96.	Gadri, Gari.
97.	Gahamandi.
98.	Gandia.
99.	Gaoli, Lingayat-Gaoli.
100.	Gayari.
101.	Garhwal.
102.	Gari, Kamlivagan, Phulanwar, Purvia.
103.	Garpagri, Nath.
104.	Garwadi, Garradi.
105.	Gawaria.
106.	Ghami.
107.	Ghariya.
108.	Ghati, Ghare, Ghatti, Ghasi.
109.	Gochaki.
110.	Godhi.
111.	Gondhali.
112.	Gontia.
113.	Gopal, Pangala-Gopal.
114.	Gosain, Bharti, Geria, Gosai, Gowasmi, Gosaib.
115.	Gosangiwar.
116.	Gowtia.
117.	Gujar, Bad-Gujar, Dagar-Dahabi, Dasa, Davari, Gawr, Giyar-Gaur, Kansana, Malhi-Gujar, Harbola.
118.	Guraw.
119.	Habura.
120.	Hajjam.
121.	Hajuri Daroga.
122.	Halwai, Halwayee, Kanyakubj, Vaish.
123.	Harni.
124.	Hela.
125.	Huga, Lohar, Lohpeta, Jadav, Jaga, Jandza.
126.	Jangam.
127.	Jangra, Jasondhi, Janms-Lodhi.
128.	Jhadi, Sonar.
129.	Jhamral.
130.	Jhari.
131.	Jingar.
132.	Jogde.
133.	Jogi.
134.	Joginath.
135.	Julaha, Momin.
136.	Kabar, Kaleari, Kabari.
137.	Kabirpanthi, Ramdasiya, Ravidasia.
138.	Kacher.
139.	Kachera, Lakhera.
140.	Kachhi, Kushwoha, Kshatriya-Kadore.
141.	Kadera, Karnwal.
142.	Kadore.
143.	Kahar.
144.	Kaikari.
145.	Kalal, Kalar, Kapdi.
146.	Kallundar.
147.	Kalota.
148.	Kamriya.
149.	Kandera.
150.	Kaner.
151.	Kangar, Batwalo.
152.	Kannatia.

S. No.	Names of O. B. Cs.
153.	Kapadia.
154.	Karan.
155.	Karar, Keer.
156.	Kasbi.
157.	Kasab, Kassab, Kasai, Quraishi, Qussab, Qassab.
158.	Kasera, Jamera, Kasar.
159.	Kauri, Kori, Kodar.
160.	Kirar, Kirad.
161.	Khamgara.
162.	Kharol, Telugu-Munar, Kapu.
163.	Kharwar.
164.	Khatka, Khatia.
165.	Kir.
166.	Kirad.
167.	Kirar, Dhakar.
168.	Kodar.
169.	Koria.
170.	Koshti.
171.	Kosti, Chaudhry, Kusata, Koli-Keskati.
172.	Kotil.
173.	Kulbandhiya, Kumavat.
174.	Kumahari, Kumbhar, Kumhar (excluding those in S/C).
175.	Kumar.
176.	Kumbi, Kurmar.
177.	Kunjra.
178.	Kutwar, Kotwal (excluding those in S/C).
179.	Ladia, Ladhia, Laria.
180.	Langoliha.
181.	Larhia.
182.	Lodhi, Hardha, Parihar, Lodha.
183.	Lohar.
184.	Lome.
185.	Lonia, Lunia, Nunia, Nonia.
186.	Luhar, Gahelot, Jeva, Kariyar, Kawigar, Luckman, Madwar, Vishwakarma.
187.	Machhi, Mali, Marar.
188.	Madgi.
189.	Majhabi.
190.	Mala.
191.	Mallah.
192.	Manga.
193.	Manjar, Mara, Mathwaddar.
194.	Mankar.
195.	Manihar.
196.	Maru Sotiya.
197.	Mauria.
198.	Mavi.
199.	Meru.
200.	Mewati.
201.	Mhali, Nai, Navi, Nhavi.
202.	Mirasi.
203.	Muchhia.
204.	Murraha, Murha.
205.	Naik, Nayak, Nayaka (Non-Brahmin).
206.	Naita, Nayata, Nata, Navta.
207.	Namdev.
208.	Namsudra.
209	Nath

S. No.	Names of O. B. Cs.
210.	Navda.
211.	Neo-Buddhists, Nav-Buddhists.
212.	Neria.
213.	Nerali.
214.	Nilgar.
215.	Ode, Wader, Waddar, Odiya.
216.	Pademsali, Salewar, Sali/Sutsali.
217.	Padka.
218.	Pahar.
219.	Palhari.
220.	Panwari.
221.	Parashar.
222.	Parthi.
223.	Patka, Patki.
224.	Patwa, Namdev, Pathakar, Sipiya.
225.	Payak.
226.	Perki.
227.	Pindara.
228.	Pinjare.
229.	Powar.
230.	Putligar.
231.	Raghavi, Raghvanshi.
232.	Rajamuria, Rangari.
233.	Rajgir.
234.	Rajgond.
235.	Rangrez, Rangarej, Rangraz, Ramgari, Rangredh.
236.	Rao.
237.	Raot, Rawt, Raoti.
238.	Rautia.
239.	Rawal.
240.	Rawat, Beder, Gahira, Rast, Rawar, Thethwar.
241.	Rhar.
242.	Rohade, Sujharia.
243.	Rohar.
244.	Ruchhandhia.

S. No.	Names of O. B. Cs.
245.	Sain.
246.	Sais, Sayees, Shis.
247.	Salvi, Sali.
248.	Sanoria.
249.	Saranjia.
250.	Sarbhangi.
251.	Scheduled Castes converted to Christianity
252.	Sharia.
253.	Sikligar.
254.	Singiwala.
255.	Siyane.
256.	Sodhi.
257.	Sondhiya, Chandel.
258.	Sunar, Sonar.
259.	Tadavi.
260.	Tamboli, Jamboli, Kumavat, Purabia.
261.	Tamera, Tambatkar, Thatera.
262.	Teli, Badbaik, Balu, Ratthore.
263.	Thami.
264.	Thoti, Burad.
265.	Thanwar.
266.	Thori.
267.	Thuria.
268.	Tirgar.
269.	Tirmale.
270.	Tirwalli.
271.	Turha.
272.	Vaidyanai.
273.	Vagri, Vaghri Pradhan
274.	Vanjari, Vanjara.
275.	Vishnoi.
276.	Vishya.
277.	Wanha.
278.	Wasdeo.
279.	Yerkilwar, Yerkula.

11. MAHARASHTRA

S. No.	Names of O. B. Cs.
1.	Agri, Agale or Kolan.
2.	Ahir, Yadav, Gowli.
3.	Alitkar.
4.	Atar.
5	Audhiya.
6.	Badak.
7.	Badia.
8.	Bagalu.
9.	Bagdi (Marwar Baori, Marwar. Waghri, Salat Waghri).
10.	Bajania.
11.	Bahurupi.
12.	Bairagi. Gosai, Udasi.
13.	Bajigar.
14.	Balasanthanam.
15.	Bandi.
16.	Banjara, Banjari. Vanjara. Mathura Banjara (A). Goar Banjara. Lambada/Lambara. Lambhani, Charan Banjara, Labhan, Mathura Labhani, Kachikiwale Banjaras. Laman Banjara, Laman/Lamani. Laban. Dhali/Dhalia. Dhadi/Dhari, Singaris, Navi Banjaras. Jogi Banjaras, Banjari. Shingde Banjara. Lambade, Phanade Banjara, Sunar Banjara, Dhalya-Banjara, Shingadya Banjara.
17.	Bantu.
18.	Baoria.
19.	Bari or Barai.
20.	Baria, Koli Baria.
21.	Bathini.
22.	Bavcha.
23.	Begari, Bedar, Berad. Naikawadi, Talwar, Walmiki.
24.	Besdewa.
25.	Bestar. Sachaluwaddar.
26.	Bhaat.
27.	Bhadbhunja.
28.	Bhampta or Ghantichore or Pardesi, Pong. Dasar, Uchila. Rajput-Bhamta. Bhamta, Bhamti. Kamati. Pathrut, Takari, Uchale.
29.	Bhand.
30.	Bhandari.
30A.	Bhandura. Billawar.
31.	Bhanta.
32.	Bharadi. Balasantoshi. kinggriwale. Nathbava. Nath Jogi, Nath Panthi. Davari Gosavi.
33.	Bhavaiya or Targala.
34.	Bhavin.
35.	Bhillala.
36.	Bhina Koya.
37.	Bhoi. Kharvi, Dhiwar. Bhoi, Zinga Bhoi, Pardeshi Bhoi.Raj Bhoi. Bhoi. Kahar. Gadia Kahar, Kirat. Machwa. Manzi, Jatia, Kewat. Dhiwar, Dheewar. Dhimar. Palewar. Machhendra. Navadi. Malhar. Malhav, Gadhav-Bhoi. Khadi Bhoi, Khare Bhoi. Dhevera Dhuria Kahar.
38.	Bhisti or Pakhali.
39.	Bhoyar (Pawra).
40	Bhute. Bhope
41.	Bindli.
42.	Burbook.
43.	Burud, Medar.
44.	Buttal.
45.	Chadar.
46.	Chakrawadya-Dasar.
47.	Chamtha.
48.	Chandal.
49.	Chandalagade.
50.	Charan or Gadhavi.
51.	Charodi. Chhara.
52.	Chenchu or Chenchwar.
53.	Chhapparband.
54.	Chimur.
55.	Chintala.
56.	Chippa.
57.	Chitrakathi.
58.	Chodhra.
59.	Christians converted from Scheduled Castes
60.	Dabgar.
61.	Dakaleru.
62.	Darzi.
63.	Das or Dangdidas.
64.	Depala.
65.	Devanga.
66.	Devari. Gosavi. Nath Panthi.
67.	Devdig.
68.	Devli.
69.	Dhangar. Kuruba. Kurubar.
70.	Dhimar. Dhivar, Gabit, Harkantra, Mangeli, Mangele, Page Sanduri.
71.	Dhobi, Parit, Watts. Madwal, Rajak.
72.	Dholi.
73.	Dommara.
74.	Fakir Bandarwala.
75.	Futgudi.
76.	Gadaba or Godba.
77.	Gadaria
78	Gadri.
79.	Gadhavi.
80.	Ganali or Gandali.
81.	Gandharap.
82.	Gangani.
83.	Garodi, Garudi.
84.	Garpagari.
85.	Gavandi.
86.	Ghadshi.
87.	Ghisadi, Ghisadi Lohar, Gadi Lohar, Ghitodi Lohar, Rajput Lohar.
88.	Golla. Gollewar, Goler, Golkar Goller.
89.	Gondhali. Gondala.
90.	Gopal. Gopal Bhorpis. Khelkari.

S. No.	Names of O. B. Cs.
91.	Gosavi, Bava, Bairgai, Bharati, Girigosavi, Bharati Gosavi, Saraswati Parbat, Sagar, Ban or Van, Teerth Ashram, Aranya Gharbhari, Sanyasi, Nath Panthi Gosavi.
92.	Gochaki.
93.	Gujrath Baori.
94.	Gurav, Gurou.
95.	Habura.
96.	Halepaik.
97.	Harni.
98.	Hatker.
99.	Helve, Hilav.
100.	Hill-reddis.
101.	Jagiasi.
102.	Jajak.
103.	Jangam.
104.	Jatigar.
105.	Jatiya.
106.	Javeri, Johari.
107.	Jhadi.
108.	Jingar.
109.	Jogi, Nath, Nathjogi, Gosai, Devori.
110.	Jogin.
111.	Joshi, Bududki, Damruwale, Kudmude, Medhangi, Sarode, Sahadev, Joshi, Sarvade, Saroda.
112.	Julaha, Winkar, Vankar, Vanya, Vankar.
113.	Kachi, Kachhia.
114.	Kachora.
115.	Kadera
116.	Kaikadi (where they are not Sch. Castes), Korach, Dhontle, Korva or Kochi Korva, Makadwale, Padlor, Korvi.
117.	Kalal, Kalar, Lad, Ladwak, Gond Kalal, Shivhare.
118.	Kamati.
119.	Kammi.
120.	Kandel.
121	Chhara, Kanjar, Nat.
122.	Kapdi.
123.	Kasar, Kasera.
124.	Kasbi.
124A.	Kasai, Khatik, Kasab.
125.	Kasthapadi.
126.	Katabu
127	Kathar Katharwani, Kanthaharwani (Lingayatwani or Ladwani excluded).
128.	Kathi-Khati
129	Katipamula.
130	Kharwa or Kharwi.
130A.	Kirar
131.	Kolhati, Dombari.
132.	Koli, Koli-Suryawanshi, Malhar Koli, Christian Koli.
133.	Korachas or Yerkula or Korvay
134.	Korchar.
135.	Korwa including Kodaku.
136.	Komakapu
137.	Kondu.
138.	Koggadi.
139.	Koshti, Koshkoti-Devanga.
140.	Kuchbandh.
141.	Kuchhria.
142.	Kumbhar, Kumhar.
143.	Kunbi.
144.	Kurhinshetty.
145.	Kurmar.
146.	Labha.
147.	Ladaff, Laddaf.
148.	Ladia, Ladhia, Laria
149.	Lakhera, Lakhari.
150.	Lanzad.
151.	Lohar, Lohar-Gada, Dodi, Khatwali, Panchal.
152.	Lonari, Chunari.
153.	Machhi, Tandel.
154.	Maga.
155.	Mahali, Mahli.
156.	Mahil.
157.	Maidhasi.
158.	Mairal, Dangat, Vir.
159.	Majhwar.
160.	Mali, Phoolmali.
161.	Manbhav.
162.	Mangala.
163.	Marwar Baori.
164.	Masanjogi, Sudga-Dsiddha, Mapanjogi.
165.	Mathura.
166.	Matiara Matihara.
167.	Mankar Khalu
168.	Me.
169.	Mina.
170.	Mitha.
171.	Momin (Weaver).
172.	Mondiwar, Mondiwaru.
173.	Munda.
174.	Namdhari, Paik.
175.	Nandiwala, Tirmal.
176.	Naqashi.
177.	Navi, Nhavi, Hajam, Kalseru Navaliga, Kelashi, Nabhik, Nai.
178.	Neeli.
179.	Neelkanti.
180.	Nekar, Jada.
181	Neo Buddhists, Nav Buddhists.
182.	Nethura
183.	Nilgar, Nirali.
184.	Nirshikari.
185.	Nonia.
186.	Otari, Otankar, Otkar, Vatari, Ojhari
187.	Pachabhotla, Pachabotla.
188.	Padaharia.
189.	Padampari.
190.	Padiar.
191.	Pakhali, Bhisti.
192.	Pal Pardhi.
193.	Pamula, Panchal.
194.	Panchama.
195.	Panda.
196.	Pangul.

S. No.	Names of O. B. Cs.
197.	Panka.
198.	Patkar.
199.	Patradaveru.
200.	Perki.
201.	Phar.
202.	Phasechari.
203.	Phudgi.
204.	Phulari.
205.	Pinjara, Pinjari.
206.	Pukhali.
207.	Pudigar.
208.	Rachbandhia.
209.	Rachevar.
210.	Rachkoya.
211.	Raghavi.
212.	Raikari.
213.	Raj Pardhi, Gaon Pardhi, Haran Shikari.
214.	Rajput Bhamta, Paradeshi Bhamta, Pardeshi Bhamti,
215.	Ramoshi.
216.	Naot, Rautia, Rawt.
217.	Rangari, Rangrez, Bhawasr.
218.	Rautia.
219.	Raval, Raval or Raval Yogi.
220.	Sahis, Sais, Shis.
221.	Sali, Padamshali, Swakulsali.
222.	Sangar.
223.	Sangari.
224.	Sanjogi.
225.	Santal.
226.	Saonta or Saunta.
227.	Sao-Teli.
228.	Sapera.
229.	Sarania.
230.	Sare.
231.	Shilavt.
232.	Shimpi, Bhavgar, Shiv Shimpi, Namdeo.
233.	Shingdav or Shingadya.
234.	Sikkalgar, Kotari.
235.	Sindhor.

S. No.	Names of O. B. Cs.
236.	Singiwala.
237.	Sonar.
238.	Sore.
239.	Sunna.
240.	Sunnai. Sutharin.
241.	Sutar, Bhadai, Wadai.
242.	Suppalig.
243.	Takankar.
244.	Takari.
245.	Talwar Kanade.
246.	Tambat.
247.	Tamboli.
248.	Targala.
249.	Teli, Ganiga, Ghanchi.
250.	Thakkar.
251.	Thelari.
252.	Thetwar.
253.	Thogti, Thogati.
254.	Thotewadu.
255.	Thoria.
256.	Timali.
257.	Vaghri. Vaghari. Salat. Salat Vaghri.
258.	Vaidu
259.	Vaiti.
260.	Valvai.
261.	Vanjari. Vanjar.
262.	Vasawa.
263.	Vasudeo.
264.	Vitholia.
265.	Wadder, Wadder (Kalawader or Pathorod). Beldar, Od, Girni Waddar. Vaddar. Gaddi Vaddar. Jati Vaddar, Mati Vaddar, Patharvat.
266.	Wadi.
267.	Wanjari, Wanjara.
268.	Wansfoda.
269.	Warthi.
270.	Vanadi.
271.	Yenadiwads.
272.	Yeragolawad or Thella Pamalwads

12. MANIPUR

S. No.	Names of O. B. Cs.
1.	Ahir, Yadav, Gwala.
2.	Badi (Nepali).
3.	Bansphor.
4.	Bhumij.
5.	Boro, Boro Kachari.
6.	Dafla.
7.	Damai (Nepali).
8.	Deoris.
9.	Dugla, Dholi.
10.	Gainey (Nepali).
11.	Garo.
12.	Hajong.
13.	Hira.
14.	Jhala, Malo.
15.	Kachari.
16.	Kaibartta, Jaliya.
17.	Kami (Nepali).
18.	Kandu, Kanu.
19.	Khampti, Khamti.
20.	Khasi.
21.	Khuangsai.
22.	Kuki.
23.	Lalbegi.
24.	Lalung.
25.	Liamei-Naga.
26.	Lohar.
27.	Mahara.
28.	Mali, Bhuimali, Bhuinmali.
29.	Mech.
30.	Meitei and Meitei Pangal.
31.	Mehtar, Bhungi.
32.	Mikir.
33.	Miri.
34.	Mishmi.
35.	Munda.
36.	Naga.
37.	Napit, Nai.
38.	Oraon.
39.	Rabha.
40.	Sahte.
41.	Satki (Nepali)
42.	Santal.
43.	Singpho.
44.	Sonar, Sunar.
45.	Synteng.
46.	Tamboli, Tamuli.
47.	Teli.
48.	Tipera.
49.	Yogi, Jugi, Nath.

13. MEGHALAYA

S. No.	Names of O. B. Cs.
1.	Ahom.
2.	Barjubi.
3.	Baroi, Barui.
4.	Bhumij.
5.	Boro-Kachari.
6.	Choudang.
7.	Chutiya.
8.	Dey, Sudra Das.
9.	Ghosh, Gopa, Gawala, Yadav.
10.	Gond.
11.	Gorkhali.
12.	Khamti.
13.	Koch.
14.	Khond.
15.	Kshattriya.
16.	Kumar, Rudra Paul.
17.	Kupadhar, Kushtari, Rarh.
18.	Limbo, Limbu.
19.	Loi.
20.	Mahisya Das, Mahisya.
21.	Moran, Matak.
22.	Mukhi.
23.	Munda.
24.	Napit.
25.	Nepali (Damai, Gaine, Gurung, Lama, Lohar, Newar, Rai, Sarki, i.e. Cobbler, Thapa).
26.	Oraon.
27.	Pan.
28	Rabha.
29.	Santhal.
30.	Savare.
31.	Rajbanshi.
32.	Saloi.
33.	Sut.
34.	Tantripal, Tanti, Tantri.
35.	Teli.
36.	Tipara.
37.	Yogi, Juri, Nath.

14. NAGALAND

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.

NIL

A NOTE ON SOCIO-EDUCATIONAL SURVEY TABLES

All relevant details about the Socio-Educational Survey have been furnished in Chapter XI of the Main Report (Volume I). The following account gives a brief description of the scheme followed in arranging State-wise tables.

Two villages and one Urban Block were selected from each district of the 31 States and Union Territories of India. The field survey covered all the households in these selected areas. The Schedules for canvassing information from these households are given in Appendices 14 & 15, Volume II. All the information canvassed in these schedules was computerised and compressed into the following 13 tables :—

Table 1 : Sample units covered in each district with number of households.

Table 2 : Population and number of households by caste, traditional occupation and average size of households.

Table 3 : Caste-wise percentage of households considered 'Backward' by others.

Table 4 : Caste-wise distribution of households by ownership of homestead land, and those living in owned/rented/houses as well as type of houses.

Table 5 : Caste-wise percentage distribution of households according to distance from main source of drinking water.

Table 6 : Workers/non-workers by caste and sex.

Table 7 : Caste and sex-wise percentage distribution of population by age at marriage and traditional occupation.

Table 8 : Caste and sex-wise percentage distribution of population by educational levels.

Table 9 : Percentage of manual labourers working for themselves/other by caste, educational attainment and sex.

Table 10 : Caste and sex-wise distribution of non-students between ages 5 to 15 years having never attended a school by reasons.

Table 11 : Caste and sex-wise distribution of dropouts among non-students between ages 5 to 15 years having ever attended a school by reasons for dropping out.

Table 12 : Average value of assets per household by caste and traditional occupation.

Table 13 : Average income of the household by caste with number of households having taken loan and their percentage distribution by reasons for taking loan.

For each of the 31 States and Union Territories, data has been separately compiled for each one of the above 13 tables. States and Union Territories have been listed in an alphabetical order and the data pertaining to each State and Union Territory given in 13 sections corresponding to 13 tables.

15. ORISSA

S. No.	Names of O. B. Cs.
1.	Adi-Dravida.
2.	Adi-Karnataka.
3.	Agharia, Agaria, Aghria.
4.	Ajila.
5.	Aranedan.
6.	Arunthuthiyar.
7.	Asur.
8.	Badhai, Barhai, Bindhania, Sutradhar, Badhira and Badhria.
9.	Badasuda.
10.	Badaga.
11.	Baipari.
12.	Baira.
13.	Bairagi.
14.	Bakuda.
15.	Banka.
16.	Bandi.
17.	Bariji or Barui.
18.	Barika, Bhandari, Beja, Napit and Nai.
19.	Battada.
20.	Bellara.
21.	Bentkar.
22.	Betare or Betra.
23.	Bhatua.
24.	Bhania.
25.	Bhogta.
26.	Bhokta.
27.	Bhujan.
28	Bhuliya.
29.	Birjhia.
30.	Bissoy-Barangi Jodia, Bennangi, Daduva, Frangi, Hollar, Jhoriya, Kollai, Konde, Paranga, Pengajodia, Sado Jodia and Takoara.
31.	Binedhanies.
32.	Bogada.
33.	Bolodhia.
34.	Butakusuda.
35.	Buruashankar/Barna Suankar, Boja.
36.	Byagari.
37.	Chakkijiyan.
38.	Chalavadı, Chalvadi.
39.	Chaupal.
40.	Chero.
41.	Cheruman.
42.	Chikbaraik.
43.	Chik.
44.	Chitra, Chitrakar.
45.	Churia.
46.	Dahalia.
47.	Darji.
48.	Damal.
49.	Dangua.
50.	Deons.
51	Devendra Kulathan.
52.	Dehuri.
53.	Dhakkada.
54.	Dhaner.
55.	Domb-Andhiya Domb, Audhiniya Domb, Chonel Domb, Christian Domb, Mirgani Domb, Oriya Domb, Ponaka Domb, Telega Domb and Ummia Domb.
56	Dumala, Dumal.
57.	Ghatwar.
58.	Girigiris.
59.	Gingra.
60.	Dodda
61.	Gola, Golla, Gope, Sadgope, Ahir, Gour, Gouda. Goudo, Mekala Golla, Punnu Golla and Yadav.
62.	Gudia or Guria, Gurja, Gunju.
63.	Gond-i-Modya Gond & Rajo Gond.
64.	Gosangi.
65.	Gondu-Bato, Bhirthya, Dudho Kouriya, Hato, Jatako & Joria.
66.	Habra.
67.	Hansi.
68.	Hasla.
69.	Holeya.
70.	Irula.
71.	Jadapus.
72.	Jambuvulu.
73.	Jaintrapans.
74.	Jhodia.
75.	Jogi or Yogi.
76.	Jyotish, Grahbipra Brahman, Sakaldarpee Brahman.
77.	Kadan.
78.	Kalladi.
79.	Kalwar.
80.	Kammara, Kamara, Kamar, Kammaro, Muli, Lohuru, Loharo.
81.	Kanakkan.
82.	Kandarpa.
83.	Kanjar.
84.	Kaniyan.
85.	Kapudia.
86.	Karhara.
87.	Karimpalan.
88.	Karmali.
89.	Kattunayakan.
90.	Khaira.
91.	Khandnals.
92.	Khanjiman.
93.	Khatti-Khatti.
94.	Khatua.
95.	Khondal.
96.	Khodra.
97.	Khetauri.
98.	Koda, Kuda.
99.	Koilar.
100.	Kolam.
101.	Komar.
102.	Kond (Kul).
103.	Konda Kapu.
104.	Konda Reddi.
105.	Kondh-Desaya Kondh, Dongriya Kondh, Kuttiya Kondh, Tikiria Kondh and Yanity Kondh

S. No.	Names of O. B. Cs.
106.	Koosa.
107.	Koraga.
108.	Kosalya Goudus, Bosotheriya Goudus, Chiti Goudus. Dangayath Goudus. Doddu Kamariya, Dudu Kamaro, Ladiya Goudus & Pullo Soriya Goudus.
109.	Kota.
110.	Koyi.
111.	Kudiya.
112.	Kudubi.
113.	Kudumban.
114.	Kumbhar, Kulal, Kumhar, Kumbharo.
115.	Kurmi.
116.	Kunduma/Kuduma.
117.	KundAmatia.
118.	Kulta.
119.	Kurariar.
120.	Kuravan.
121	Kurichchan.
122.	Kuruman (Kurumba).
123.	Laher.
124.	Lakhra.
125.	Lambadi.
126.	Luhura.
127.	Machua.
128.	Maghi or Meghia.
129.	Magura.
130.	Mahunta.
131.	Magatha Goudus. Bermia Goudus, Boode Magatha. Dongayath Goudu. Hadya Goudu. Poona Magatha and Sana Magatha.
132.	Magadhi Goral.
133.	Maila.
134.	Maladasu.
135.	Malasar.
136.	Mali, Phulia. Sagbaria, Bhajemali.
137.	Malis-Korchia Malis, Paido Malis & Pedda Malis.
138.	Mal Paharia.
139.	Mangli.
140.	Manna Dhora.
141.	Maune.
142.	Marathi.
143.	Matangi.
144.	Mavilan.
145.	Minka.
146.	Moger.
147.	Mukhadora-Mokka Dhora.
148.	Muliya.
149.	Mundala.
150.	Muria.
151.	Nahar.
152.	Nalakeyava.
153.	Nat.
154.	Nayadi.
155.	Nolia.
156.	Nuhura, Nuhuraj.
157.	Nuniya.
158.	Ojulu or Metta, Kamasalic.
159.	Omeyita.
160.	Padaria, Pamaria, Pandara.
161.	Pagadai.
162.	Paigarapu.
163.	Paiko.
164.	Paky.
165.	Pal.
166.	Palasi.
167.	Paliyan.
168.	Pallan.
169.	Palli.
170.	Pulayan.
171.	Pambada.
172.	Paniyan.
173.	Panjira.
174.	Panniandi.
175.	Paraiyan.
176.	Paravan.
177.	Parhaiya.
178.	Pathuria.
179.	Patro.
180.	Pengua.
181.	Pita.
182.	Porja-Bado. Bonda, Daruva, Didva, Jodia. Mundil. Sano, Pengu, Pydi, Saliya, Sodia and Pareng.
183.	Pradhan.
184.	Reddi Dhokas.
185.	Radhi or Niari.
186.	Rajwar.
187.	Raneyar.
188.	Ronas.
189.	Routia.
190.	Sagarpasha.
191.	Sahabar.
192.	Samban.
193	Sankhari.
194.	Sanyasi. Membram.
195.	Savara-Kapu Savara, Khutto Savara, Mallya Savara.
196.	Seerithi Goudu.
197.	Semman.
198.	Sholagar.
199.	Sauria Paharia.
200.	Sinke.
201.	Sithuria, Sitaria, Situlia.
202.	Suda.
203.	Sulia.
204.	Sukuli, Tanti.
205.	Sunri/Sundi.
206.	Tana.
207.	Teli, Telli. Kubara, Talakar, Sahu, Bahaldia.
208.	Telaga Pamula.
209.	Thanti.
210.	Thatari.
211.	Thoti.
212.	Thuria.
213.	Tiruvalluvar.
214.	Tivoro.
215.	Tiyar
216.	Toda.
217.	Tonla Gaud.
218.	Valluvan.
219.	Vannan.
220.	Vettuvan.
221.	Vina Tulavina.
222.	Yandi.
223.	Yerna Golta.
224.	Yerukula.

16. PUNJAB

S. No.	Names of O. B. Cs.
1.	Aheria, Aheri, Heri, Naik, Thori, Turi,
2.	Arain.
3.	Bagal, Batalian, Bhut, Dangi, Dharne, Hir, Harbansia, Jalaria, Kaushal, Manadia, Marbansia, Manem, Masaun Mehton, Mule, Nagia, Parmar, Sangutva Sial, Thunalia.
4.	Bagria, Bagaria.
5.	Bairagi, Baregi.
6.	Barai, Tarboli, Tamboli.
7.	Barwar.
8.	Batera.
9.	Beria.
10.	Berrer.
11.	Beta, Hensi, Hesi.
12.	Bharbhunja, Bharbhuja.
13.	Bhari, Rode.
14.	Bhatra, Bhat, Darpi, Digpal Ramiya, Rana, Rathore, Rau, Swali.
15.	Bhuhalia.
16.	Bhura-Brahman.
17.	Chahang.
18.	Changar.
19.	Chimbe, Battu, Brah, Chhimbe, Chhipi, Chimba, Chimpa, Darzi, Dhami, Jassal, Kareer, Kainth, Madahar, Purba, Rekhroy, Sappal, Sarao, Siria, Srao, Tank.
20.	Chirath (including Chabang and Bahri).
21.	Chirimar.
22.	Daiya.
23.	Dakaut, Dahkaut.
24.	Daoli, Daola.
25.	Daula, Soni-Braderi.
26.	Dhenwar.
27.	Dhimar, Dhiwar, Dhinwar, Jheewar, Jhinwar, Kahar, Kashyap, Rajput, Mallah.
28.	Dhobi, Qasab.
29.	Dhosali, Dosali.
30.	Drain.
31.	Faqir.
32.	Gadderia, Gadaria.
33.	Gaddi, Guddi.
34.	Gawala, Gowala, Yadav, Yaduvanshi, Ahir, Gwar.
35.	Ghai.
36.	Ghasi, Ghasiara, Ghosi.
37.	Godri.
38.	Gorkha.
39.	Gujar, Bhumla, Gujjar, Ninwalia, Thakur.
40.	Gwaria, Gauria, Gwar.
41.	Harni.
42.	Jat (Gutka and Chillon).
43.	Jhangara Brahmin, Khati, Viswakarma.
44.	Jogi, Nath.
45.	Julaha, Dhaver, Dhuna, Kabirpanthi (excluding those in S.C.).
46.	Kamboj, Bala, Kamboh, Masok, Nande, Thand.
47.	Kanjar, Kanchan.
48.	Kehal.
49.	Khanghera.
50.	Kuchband, Kuchhband.
51.	Kumhar, Ahitan, Ghamar, Ghumar, Hansanwal, Jopa, Keer, Langotra, Lehri, Narhia, Prajapat, Sanmare, Sohal, Talephail, Zalaf.
52.	Kurmi.
53.	Lakhera, Kanihar, Manihar.
54.	Lambana, Bhagtava, Gholra, Kaknia, Khasria, Labana, Lohana, Lobana, Vanzara, Lavana, Pelia.
55.	Lohar, Bakhon, Bamsa, Bhati, Bhuhi, Birdi, Channa, Jhita, Luhar, Phul, Roopra, Sandhu, Sehami, Virdi.
56.	Madari.
57.	Mahasha, Bajgal, Sahunta.
58.	Mahatam.
59.	Meena, Mina.
60.	Mewati.
61.	Mirasi.
62.	Mochi (exclupding those in S.C.).
63.	Nai, Banvaru, Dhanwal, Dhari Ghangas, Ghiri, Hajjam, Hazam, Hergun, Jallan, Lekha, Nagi, Naisikh, Palan, Panju, Patara, Raja.
64.	Nalband.
65.	Nar.
66.	Nav-Budhists, Neo-Budhists.
67.	Noongar Nungar.
68.	Pakhiwara.
69.	Pinja, Penja.
70.	Rachband, Rechband.
71.	Rai-Sikh.
72.	Ramgharia, Bimra, Brar, Bumral, Chao, Dhiman, Kalsi, Matharoo, Murway, Ramgarhia, Saggu, Sahota, San, Saran, Tarkhan.
73.	Riaigar.
74.	Rihar, Rehar, Rehare.
75.	Saini.
76.	Shorgir.
77.	Singhikat, Singhiwala.
78.	Soi.
79.	Sunar, Ashtat, Bhatti, Dhume, Jure, Kande, Karwar, Sheen, Suniara, Sur, Swarnkar.
80.	Taga.
81.	Teli.
82.	Thathera, Tamera.
83.	Converted Christians from Scheduled Caste.

17. RAJASTHAN

S. No.	Names of O. B. Cs.
1.	Ager.
2.	Ahir (Yadav, Gope).
3.	Asada.
4.	Badera.
5.	Badwa.
6.	Bagdiya.
7.	Bakad, Bant.
8.	Banchada.
9.	Banjara. Gamalia, Baladia. Sirkiwala. Labana or Labhana, Manu Banjara, Bamania Banjara. Bagora. Digora.
10.	Barahar, Basod.
11.	Barai. Atwasa. Badhai. Baiwal, Dagesar, Dingar, Jungid-Brahman, Jhangra-Brahman. Kavigar. Khati, Khokar, Mayal, Suthar. Tarkhan, Vishwakarma.
12.	Barar.
13.	Barda.
14.	Bargunda.
15.	Basor.
16.	Bavacha, Bamcha.
17.	Bawari.
18.	Bhampta, Ghantichor, Pardesi-Bhampta.
19.	Bhanumati.
20.	Bharud.
21.	Bhat, Charan.
22.	Bhauh (Sagavanshi-Mali).
23.	Bhuji, Bharbhuja.
24.	Birarea.
25.	Chakrawadya-Dasar.
26.	Chalvadi, Chamnayya.
27.	Chamana.
28.	Cheeta.
29.	Chena-Dasaru, Chenna-Dasar, Holaya-Dasar.
30.	Chidar.
31.	Chhipa, Apurba, Bhati. Bhagarwal. Chauhan. Chippa, Dayer, Jasod, Nama. Namdeo, Padhar, Pamsar. Solanki, Surage.
32.	Chodhara.
33.	Dakaut.
34.	Dakalaru.
35.	Damami.
36.	Daroga.
37.	Darzi.
38.	Deshantri.
39.	Dhadi.
40.	Dhakad.
41.	Dhanohi.
42.	Dhimar.
43.	Dhobi.
44.	Dhudia.
45.	Dhor, Kakkayya, Kankayya.
46.	Dubla.
47.	Gaduria, Chandalia, Gadaria, Gavala, Ghosi Kabiria.
48.	Gadia-Lohar.
49.	Gadolia.
50.	Gamit, Gamta, Gavit (including Mavchi, Padvi, Vasava, Vasave and Valvi).
51.	Ganobha.
52.	Giri, Goswami, Gasain.
53.	Godi (Muslim).
54.	Gond.
55.	Gujar, Gujjar.
56.	Halleer.
57.	Halsar. Haslar. Hulasyar. Halasvar.
58.	Hauri.
59.	Hela.
60.	Holar, Valhar.
61.	Holaya, Holer.
62.	Janwa.
63.	Julaha (Hindu and Muslim).
64.	Kabirpanthi.
65.	Kachhi.
66.	Jogi, Nath.
67.	Kahar, Bhoi.
68.	Kaikadi, Korach.
69.	Kalel.
70.	Kandera.
71.	Kangi, Kangiwala.
72.	Kanvi.
73.	Keer.
74.	Khant
75.	Kharol.
76.	Khatka.
77.	Kirar.
78.	Kol.
79.	Koli-Mahadev.
80.	Korku.
81.	Koshti.
82.	Kotwal.
83.	Kumhar.
84.	Labera.
85.	Ladha-Lohar.
86.	Lakhera.
87.	Lingader.
88.	Lodhi.
89.	Lohar, Jaradi, Khuudi, Khutwal, Lohagiri. Malvi. Panchal, Pancholi. Thurawar. Zaradi.
90.	Lek.
91.	Maha-Brahman.
92.	Malhar.
93.	Mali.
94.	Mehra.
95.	Mer.
96.	Merasi, Mirasi.
97.	Merat.
98.	Merat-Gorat.

S No	Names of O B Cs
99	Merat Kathal
100	Moghia.
101	Mogia.
102	Mukri
103	Nadia, Hadi
104	Nagarchi
105	Nai
106	Naik
107	Nav-Budhists, Neo-Budhists
108	Neriya
109	Odd
110	Pardhi, (including Advichincher and Phanse Pardhi)
111	Patwa (Phadal)
112	Pinjara.
113	Pomla
114	Powara
115	Raika.
116	Ranbari.
117	Rao
118	Rathawa
119	Ravana Rajput.
120	Rawat
121	Rebari
122	Sad Sausi (Sehar)
123	Sadhu
124	Sarabara
125	Satiya Sindhi
126	Shenva, Cheava Sedma Ravat, Sindhaya
127	Shingdev Shingadya
128	Sikligbar
129	Sirkiwal
130	Sochi
131	Swami
132	Swarankar
133	Tak
134	Teli
135	Thathera
136	Timali
137	Varli
138	Vitholia
139	Vitolia Kotwalia Barodia.
140	Zamral

18. SIKKIM

S. No.	Names of O. B. Cs.	S. No	Names of O. B. Cs.
1.	Bajel.	6	Suba.
2.	Gurung.	7	Sunar.
3.	Limboo, Limbu.	8.	Tamang
4.	Mongar.	9	Tsong.
5.	Rai.	10.	Yakthungba.

19. TAMILNADU

S. No.	Names of O B Cs.
1	Achari Viswakarma, Kammalar, Thattan, Thatchan, Porkollar, Assari Chary
2	Agamudayar of Southern Tamil Distts belonging to Mukkulathers, Agamudayar of Northern Tamil Distt, Thozhu or Thuluva Vellala
3.	Aiyanavar
4	Alavan, Alavar, Alwar and Azhavar
5	Ambalagars
6	Ambalakaran, Ambalakarar, Vallamber
7	Ampattan
8	Andipandaram.
9	Arayan, Arayar (Nulayar)
10	Arayavathi
11	Archakari Vellala
12.	Ayyanavar (where they are not Scheduled Castes)
13	Badaga
14.	Badagar
15.	Bagata
16	Bariki.
17	Battada
18.	Bavuri.
19	Bestha, Siviar.
20.	Bharatar (where they are not Scheduled Castes)
21	Bhatraju (other than Kshatriya Raju)
22	Bhottadas-Bodo Bhottada, Muria Bhottada and Sano Bhottada
23.	Bhumias-Bhuri Bhumia and Bodo Bhumia
24	Billava
25	Bissoy-Barangi Jodia, Bannangi, Daduva Frangi, Hollar, Jhoriya, Kollai, Konde Paranga, Penga-Jodia, Sodo Jodia and Takora
26	Bondil
27	Boyar, Oddar
28	Boyas
29	Budabukhalas
30	Byagari
31	Chackaravar
32	Chanchati.
33	Chavalakkaran, Chavalakkarar
34	Chayakkaran
35	Chenchu
36	Chettu or Chetty (including Kottar Chetty Elur, Chetty Pathira Chetty Pudukkadai Chetty, Valayal Chetty)
37	Converts to Christianity from Scheduled Castes irrespecuve of the generation of conversion
38	C S I (Formerly S I U C)
39	Dasari
40	Dandasi
41	Dekkani Muslims.
42	Devangar (Sedar).
43	Dhakkada
44.	Dhobi, Vannan
45.	Dombo
46	Dombs-Andhiya Dombs, Chonel Dombs, Oriya Dombs, Ponaka Dombs, Telaga Dombs and Ummia Dombs
47	Dommera
48	Donga Yatas.
49	Dudekula
50.	Enadi.
51	Eravallar
52	Ethayar, Idayar, Konar and Udayar
53	Ezhavathy
54	Ezhuthachar
55	Ezhyva.
56	Gadabas-Boda Gadaba, Cerllam Gadaba, Olarao Gadaba and Pranga Gadaba and Grangi Gadaba, Jodiagadaba
57	Gangavar
58	Gavarai (Kavarai) and Vadugar (Vaduvar) other than Kamma, Kapu, Balija and Reddy
59	Ghasi, Haddi, Relli and Sachandi
60	Godari
61	Gond
62	Gounder, Padayachi, Vanniya Kulaksativa, Vellalar, Vanniar
63	Goudus Bato, Bhirithya, Dudhokouria, Hato, Tatako and Joria
64.	Gowda (including Gammala Kalali and Gounder)
65	Hasla
66	Hegde
67	Hill Pulaya.
68	Holva.
69	Idiga
70	Illathu Pillaimar (Luvar, Ishuvar Illathar)
71	Ilovan
72	Ilavathi
73	Isaivallalar.
74	Jadapu
75	Jambuvanodai
76	Jangama, Jangam.
77	Jatapu.
78	Jhetty
79	Jheevar
80	Jogi.
81	Jogulas
82	Kabbora.
83	Kadan.
84	Kadupattar (Malabar)
85	Kaikolan, Kaikolar, Sengunthar
86	Kakkalan (where they are not Sch Castes)
87	Kaladis
88	Kalari Kurup (Kalari Panich)
89	Kalveli Gounder
90	Kallar Vellalar
91	Kalingi

S. No	Names of O. B. Cs.
92.	Kambar.
93	Kammalar Kamsala-Viswa Brahmin and Viswakarmala (including Thattar or Porkollar, Kannar, Karumar or Kollar Thacher and Kalthacher).
94	Kani or Kanisu or Kaniyar Panikkar.
95	Kanikaran, Kannikar (where they are not Sch. Tribes)
96.	Kanjar
97	Kannakan, *Padanna (where they are not Sch Castes).*
98	Kannada Saineegar Kannadiyar and Dasapalanjika
99	Kapumaries.
100.	Karneegar, Karnam
101	Karuneegar (Seer Karuneegar, Srikaruneegar, Sarrattu Karuneegar, Kaikatti Karuneegar, Mathu Vazhi Kanakkar, Sozhi Kanakkar and Sunnambu Karuneegar)
102	Katesar or Pattamkatti
103	Kathikkaran
104	Kavara (where they are not Scheduled Castes)
105	Kavathi
106	Kavuthiyar
107	Kerala Kudeli.
108	Kerala Muthali
109	Kharvi.
110	Khatri
111.	Khattia-Khatti, Kommarao and Lohara
112	Khond.
113	Kintali Kalinga.
114	Kodalo
115	Kodu
116	Kolalar, Davar, Thevar
117.	Kommar, Kommara.
118	Konda Dhera, Kond (Kui)
119	Kondh-Desaya Kondh, Dongria Kondh, Kuttiya Kondh, Tikiria Kondh and Yamity Kondh.
120	Kongu Chettiar
121	Kongu Vellalar (including Anupa Vellala Gounder, Chendalai Gounder, Harambukatti Gounder, Kurumba Gounder, Nattu Gounder, Padaithalaj, Poosari, Pattalankatti Vellala Gounder Pala Gounder, Rathinagiri Gounder, Sanku Vellala Gounder, Tirumudi Vellala, Thondu Vellalar Vellala Gounder
122.	Kootan Koodan (where they are not Scheduled Castes)
123	Koppala Velama
124.	Koracha Koravar, Yerukala
125	Kosalya Goudus, Bosothoriya Goudus, Chitti Goudus, Dangayath Goudus, Doddu Kammariya, Dudu Kamaro, Laddiya Goudus and Fullo Soriya Goudus
126	Kota.
127	Koteyar
128	Kotia-Bartika, Bantho Oriya, Dhulia or Dulia, Holva, Paiko Putiya Sanrona and Sidho Paiko
129	Koya or Goud (with its subsects) Raj or Rasha Koyas, Linga Dhari Koya (ordinary) and Kottukoya
130	Koyi
131.	Krishnavaka.
132.	Kulala (including Kumbarar and Kyyavar)
133	Kubbora.
134	Kudubi
135.	Kudumbi.
136	Kunchidigar.
137.	Kunnuvar Monnadi.
138.	Kurhini Chetty.
139	Kurumba (where they are not Sch Tribes).
140	Kurumbaravas.
141.	Kuravar.

S No.	Names of O B Cs.
142	Labbai
143	Lambadi, Banjara, Sugadi
144	Latin Catholics.
145	Magatha Goudu, Bernia Goudu, Boodu Magatha, Dongayath Goudu, Ponna Magatha, Sana Magatha and *Yadya Goudu*
146	Mahandra, Medara.
147	Mahratta (non-Brahmin) (including Namdev Mahratta)
148	Mala Dasu
149	Malapantaram
150	Malapulayan Kurumbapulayan, Keravalipulayan, Pambupulayan
151	Malayavayan
152	Malayali (where they are not Scheduled Tribes)
153	Malayan, Malayar
154	Male
155	Malia-Korchia Malis, Paiko Malis and Pedda Malis
156	Mapilla
157	Manna Dhora
158	Mannan, Vannan, Pathiyar (where they are not Sch Castes)
159	Marakkan
160	Marameri, Gramani
161	Marar
162	Marathi
163	Maravan
164.	Maruar, Marumaravar
165	Maruthuvar, Navithar
166.	Maravars (Sembanad and Appanad Kondayankottai).
167	Mafangi
168.	Marwari, Budhiya
169.	Maune
170	Meenavar, Parvatha, Rajakulam, Sembadaran, Patanavan
171.	Medara
172	Moniagar
173	Moopar.
174	Moundadan Chetty
175	Mukha Dhora, Nooka Dhora
176	Mukkuvan, Mukkuvar
177	Muliya
178.	*Muthuraja (Muthuracha, Muthiriyar and Muttiriyar)*
179.	Mutlakampatti
180	Muria
181	Gramani, Shanar, Nadar
182.	Nagaram
183	Naikkar
184	Nakkalas
185	*Nanjil Mudali*
186	Narikoravar.
187	Nav-Buddhists, Neo-Buddhists.
188	Nirshikaris.
189	Nokkars
190	Nulayan.
191	Odar, Oddar, Woddar, Odiya.
192	Ojulus, Mettali Komasalies
193	Ovachar
194	Padannan (where they are not Sch. Castes)
195.	Paidi.
196	Paigarapu
197.	Painda.
198.	Paky.

S No	Names of O. B. Cs
199	Palasi
200.	Palli
201	Pamidi
202	Pamulu
203	Panan (where they are not Sch Castes)
204	Panar.
205	Panikkan
206.	Pannayar
207.	Pannirandam Chettiar or Uthama Chettiar
208.	Pano
209	Paravan Paravar (where they are not Sch Castes)
210	Pariyas (Vengur and Vappur)
211	Parkavakulam Suruthimar, Malayamar, Nathamar
212	Pathiyan (where they are not Sch Castes).
213	Perike (Perike Balija)
214	Perumannan
215	Perumkollar
216.	Petias
217	Poraya
218	Porjas or Porajas-Bodo, Bonda, Daruva, Didua, Jodia Mundili, Pareng, Pydi, Salliya Sano and Sodia.
219	Pulluvan, Pulluvar
220	Punnan Vettuva Gounder
221	Pusale
222	Rajapuri
223	Reddi Dhoras
224.	Relli, Sachndi
225	Rona
226	Sadhu Chetty (including Telegu Chetty, Telegupatty Chetty, Twenty four Mani Telegu Chetty)
227	Sakkaravar (Kavathi)
228	Saliyar (Padmasaliyar Adhaviyar. Pattariyar)
229	Salivahana, Salivagana
230	Saora
231.	Sathatha Srivaishnava (including Sathani Chattadi Chattada)
232	Savaras-Kopu Savaras, Khutto Savaras and Maliya Savaras
233	Savalakarar
234	Saya Pillaimar
235	Senaithalaivar, Illaivaniar and Senaikudiyar
236	Seerithi Goudus
237	Sausashtra (Pathulkarar)
238	Sozhia Chetty
239	Sozhia Vellalar (including Keerakarar, Kodikalarar Sozhia Vellalar and Vatrilaikaran)
240	Srisayar
241	Telaga Pamula Peddati Gollas
242.	Tellunga. Palatti Challis
243	Thandan (where they are not Sch. Castes).
244	Thantapulayan

S No	Names of O. B. Cs.
245	Thevar
246.	Thiyya
247	Thogata Veerakashatriya
248	Tholkollar.
249	Tholuva Naicker and Vetalakara Naicker.
250	Thondaman.
251	Thoriyar.
252	Thottai Naicks
253	Thottiya Naicker (including Gollavar. Silavar, Rajakambalam Thockalavar and Tholuva Naicker).
254	Toda
255.	Ulladan
256	Ullatan
257	Uppara (Upplilia Sagara).
258	Urali Gounders.
259	Valan.
260	Valaiyars.
261	Valmiki
262	Varnavar.
263	Vaniyar, Vania Chettiar (including Gandala, Ganika, Chekkalar and Telugula).
264	Vannan (Mannan, Pathiyan)
265	Vannar, Rajakula Veluthadar (where the community is not a Scheduled Caste).
266	Vanniyakula Kshatriya (including Vanniya Vanniyar Vannia Gounder, Gounder or Kander, Pidayachi Palli, Agnigula Kshatriya)
267	Vallamber
268.	Veerasaiva
269	Velaiyar
270	Vedar
271	Velakkithalanayar
272	Vellan Chettiar.
273	Vellayan-Kuppam Pandayaochis
274	Veluthadanayar, Veluthohathunayar
275	Vetan (where they are not Scheduled Castes).
276	Vettai Karans, Vettaikarar.
277	Vettakkaran
278	Vettuva Goundus.
279	Virakod Vellaa-la
280	Vishavan
281	Vishavan (Malankudi).
282	Vokkaligar (including Gounder, Gowda Kappiliyr, Kappliyar Okaligar, Okkaliya, Vakkaligar).
283	Wynad Chetty
284	Yadavan (Idayan) or Yadava (including Idaiyar, Telugu speaking Idaiyar known as Vaduga Ayar or Vaduga Idaiyar or Golla, Mond Golla Asthanthra Golla).
285	Yanady Yenadi
286	Yavane
287	Yerukula
288	Yogeswaran

20. TRIPURA

S No.	Names of O.B.Cs.
1.	Agaria, Agariya
2	Asur.
3.	Badyakar, Dhuli, Nagarchi, Sabdakar.
4	Bahelia.
5	Baishnab
6.	Baiti.
6A.	Banjara, Gour
7	Banjogi.
8	Baraik
9.	Barui
10.	Baspher
11	Bauri
12	Bedia, Bediya.
13	Beldar.
14	Berua.
15.	Bhakta
16	Bhar.
17.	Bhatiya.
18	Bhinhar.
19	Bhinjia.
20	Bhir.
21	Bhumij, Bumij.
22.	Bhuiya.
23.	Bin
24	Bind
25	Binjhia.
26	Birhor
27.	Brijia
28	Chasi-Kaibartta
29.	Chouhan
30	Dalu
31.	Damai
32.	Desali
33.	Dhemaru
34	Doai
35	Dosadh, Dosad.
36	Duari
37.	Gangin
38	Ganju
39	Gara
40	Gareri
41	Goala, Gope, Yadav
42.	Gonda.
43	Gonrhi
44.	Gorang.
45	Gunar
46	Gundi
47	Guri.
48	Hadi
49	Halalkhor
50	Gari.
51	Ho
52	Jhalo, Malo.
53.	Jhara
54	Kachari.
55.	Kadar
56	Kaira
57	Kalai
58.	Kalu
59	Kalwar.
60.	Kandh.
61	Kandra.
62.	Kangh.
63.	Kaora.
64.	Kapali.
65.	Kapuria.
66.	Karenga
67.	Kari
68.	Karmakar, Kamar.
69	Kasta, Kastha.
70	Kechai
71.	Khaira
72.	Khami
73.	Khandait.
74	Khatik.
75.	Khemcha.
76.	Khen.
77.	Khyang.
78.	Kichak.
79.	Koda
80	Koiri
81	Komer
82	Konai
83	Knowar
84.	Korwa.
85	Kumbhakar, Kumbhar.
86	Kurariar.
87	Kurmi
88	Lalbegi.
89.	Laskar, Lashkar
90.	Lodha.
91	Lohar
92.	Maghaiya-Dome.
93	Mahar
94	Mahli.
95	Mal
96.	Mallah
97	Mallik.
98.	Malphariya.
99	Manipuri
100.	Marar.
101	Mech

S No.	Names of O. B. Cs.
102.	Mro.
103	Nagar.
104.	Nagesia.
105.	Naiko.
106	Naiya.
107	Nat, Nattadas
108	Napit.
109	Nayak
110.	Nepali (Limbo, Matwali, Rai)
111	Nuniya, Nunia.
112.	Oraon.
113.	Paik
114.	Paliye.
115	Pan
116.	Panki
117.	Pasi.
118.	Pod.
119.	Pundari
120.	Rabha.
121	Raighatwal.
122	Rajbanshi Rajbansi.
123.	Raju.
124	Rajwar.
125.	Rupai.
126	Shagirdpesha.
127	Sukli
128.	Sunri
129	Sutradhar
130	Tanti, Tati
131	Teli
132	Tipara
133	Tiyar.
134	Toto
135.	Turi.
136	Yogi, Jogi, Nath.

21. UTTAR PRADESH

S No.	Names of O. B. Cs.
1	Agri
2.	Ahoria, Aheriya.
3	Ahir, Ghosi, Gwala, Yaduvanshi/Yadav
4	Ansari
5.	Arakh.
6	Auji.
7	Badak.
8	Bairagi.
9	Bairi
10	Bajigar.
11	Bakharia.
12	Bandi
13	Banjara, Banjare, Nal, Naik, Nayak, Kangi, Sirkiband Labana, Dhan-kute, Banjara, Banjara Sikh, Brijwasi
14	Barhai Badhai, Barai Chauvasia, Jangid-Brahman, Khati Kolash, Lote, Panchal, Tarkhan, Vishwakarma
15	Bari
16	Baura
17	Bauriah
18	Bayar
19	Bazgar, Bazigar
20	Bedia
21	Behana.
22	Beriah.
23	Bhar
24	Bhathiara
25	Bhil
26	Bhul
27	Bhurji, Bharbhuja, Bharbhunja, Bhunj, Bhunjia, Kandu Kashodhay.
28	Bind
29	Chanal.
30	Chik.
31	Chikwa (Kassab).
32	Chunal.
33	Chunera.
34	Dafoli
35	Dalera.
36	Darzi, Chhipe, Chhipi, Damdo, Surjia.
37	Dhari
38	Dhobi Rajak (excluding those in S C)
39	Dholi
40	Dhunia, Kathoria Naddaf
41	Faqir
42	Gadaria, Gaddi, Gaderia Gareria, Pal
43	Gadhia
44	Gandharva Bhatu.
45	Gandhila
46	Gidhiya
47	Giri
48	Gonrh
49	Gosain.

S No	Names of O B Cs.
50.	Gujar.
51	Halalkhor
52	Halwai
53.	Hankiya
54	Hurkiya
55	Jamoria
56	Jhojha
57	Jogi
58	Kabaria
59	Kachhi, Kouri Kushwa, Mauriya, Murar, Naldih, Nardiha
60	Kahar, Dhadhan, Dhimer, Dhiver, Dhuru, Godia, Kashyap, Mehra.
61.	Kalandar
62	Kalar
63	Kasai
64	Kasgar
65	Kewat, Bansi, Chai, Jalehar, Kharsa, Majhi, Mallah Nishad
66	Khairwa
67.	Khangar.
68	Kharot
69.	Kingharia
70	Kisan
71.	Koiri, Koeri.
72.	Koli
73	Kolta
74.	Koshta.
75	Kotwar.
76	Kumhar Chakbya, Chakire, Kohar, Kumbhar, Prajapati
77	Kunjra, Rayeen
78	Kurmi
79	Kuta
80	Lodha, Lodh.
81	Lohar Abangar, Luhar, Mistri Ruriya
82	Luniya, Lonia.
83	Mali, Saini
84	Manihar, Lakhera.
85	Manjhi
86	Marchha
87	Mewati
88.	Mirasi, Merasi.
89	Mochi (excluding those in S C)
90	Momin (Asar)
91	Murao, Murai
92	Muslim Banjara
93	Muslim-Kayastha
94	Nadkal
95	Nai Jakur, Hajjam, Khawa, Napit, Nau, Orrey, Sarivas, Savita
96	Nav-Buddhists, Neo-Buddhists

S. No.	Names of O. B. Cs.
97.	Nut (excluding those in S.C)
98.	Odhia.
99.	Orh, Od.
100.	Pahri.
101.	Pauri.
102.	Pawariya.
103.	Raj.
104.	Rangrez.
105	Roniaur.
106	Sapera, Kalbeli.
107	Saun.
108.	Sonar, Sunar, Swarnakar.
109	Taga-Bhat
110	Tameli
111	Tamta
112	Tanti, Tatwa, Tantripal, Patwa.
113	Teli, Sahu (Hindu and Muslim both)
114.	Thathera, Kasera.
115	Tirwa.
116.	Turi

22. WEST BENGAL

S No.	Names of O. B. Cs.
1.	Acharya, Acharji
2	Adikari.
3.	Agaria, Agariya.
4.	Aghore.
5.	Agradana, Agradani.
6.	Ahir, Goala, Gope, Sadgope Yadav, Gola, Gawar
7.	Amant, Amat, Amath.
8.	Ansari (Muslim)
9.	Badi (Nepali).
10	Bag.
11	Bagal.
12.	Baishya Kapali.
13	Bajadar, Bajania, Bedey.
14.	Banjara.
15.	Banjogi.
16	Banua, Buna, Bunna, Buno.
17.	Baragiri.
18.	Barchain, Chai, Chain
19.	Barhi, Badhai, Bishwakarma, Khati. Sutradhar
20	Barna-Brahmin, Patit-Brahmin
21	Baro.
22.	Barui, Barujibi
23.	Bathudi.
24	Bentkar.
25	Berua.
26	Bhangi (excluding those in Scheduled Caste).
27	Bhant.
28.	Bhar.
29.	Bharbhuja, Bhujawala
30.	Bhat.
31.	Bhathiara. Razzaqi.
32	Bhatiya.
33	Bhotia
34	Bhugal
35	Bin
36.	Binjhia
37	Binjhawar
38.	Binjina.
39	Brijia
40.	Chaak
41	Chamling.
42	Chasadhoba, Haladhar. Halari. Satchasi
43	Chasi-Kaibartta.
44.	Chik, Chikwa, Kasai. Kassab
45	Chirimar.
46	Chitrakar.
47	Churihara Lakhera. Lahera
48.	Dafali.
49	Dalu.
50	Darzi. Idrisi.
51	Dhasa.
52	Dhekaru
53.	Dhenuar
54.	Dhunia, Mansoori
55.	Dilpali.
56.	Duraj
57	Fakir, Sain.
58.	Gadaba.
59	Gaddi, Ghosi.
60	Gain.
61	Ganda
62	Garai
63.	Ghatwal
64.	Ghatwar
65.	Ghusuria
66.	Godra.
67.	Gokha.
68.	Gonda.
69.	Gore.
69A.	Gorkha.
70	Gowar.
71	Gudheri.
72	Hadi.
73	Halalkhor (excluding those in Scheduled Caste).
74.	Halwai
75	Hawari.
76	Hela
77.	Ibrahimi
78	Irika.
79.	Jeoni
80.	Juang.
81	Kachari.
82	Kaghzi
83.	Kahar.
84	Kara
85	Kalu, Teli, Garai, Mondal, Sadhuknan, Pat, Patra, Sadhu, Barik
86	Kalwar
87.	Kamar
88.	Kan, Kanu
89	Kandh
90	Kandu.
91	Kansari. Kansyakar
92.	Kapali.
93	Kapuria
94	Karani.
95.	Karha
96	Karmakar
97	Karwalnat. Karwalnuts
98.	Kasai-Maji
99.	Kasta
100	Kastha

S. No.	Names of O B. Cs.
101	Kela.
102.	Khami.
103	Khandait
104.	Kharag.
105.	Khatia
106	Khen
107	Kherwar
108	Khetauri
109	Khyang.
110	Khyara
111	Kichak.
112	Kisarwaki
113	Koda
114.	Koeri, Koiri.
115	Kol.
116	Koli.
117.	Kolu.
118.	Kuki.
119	Kumbhar, Kumar, Kumbhakar, Kumhar, Kumrakar. Rudra.
120	Kunjra, Rayeen.
121.	Kurmi
122.	Lakar.
123	Lakra
124.	Lushei
125.	Machhua
126	Maghaiya-Domes
127	Mahadarda
128.	Mahata.
129	Mahato
130	Mahuria.
131	Mahishtya
132	Majhi, Deshwali-Majhi
133	Malakar
134	Mali.
135.	Mangan.
136	Mangar
137	Matial
138.	Mirshikar
139	Moger, Morgau.

S. No.	Names of O.B. Cs.
140	Momin
141	Morapora-Brahmin
142.	Mug
143.	Nagar
144	Nai, Hajjam, Naiya Napit
145	Nalband
146	Nath, Yogi
147	Nav-Buddhists Neo-Buddhists
148.	Newar
149	Pundari
150	Panthi.
151	Patua
152	Pirali
153.	Raju
154.	Rakhal
155	Rana
156	Rangrez
157	Rasali
158	Rohangia. Roshangia
159.	Saha
160	Sankhakar, Sarkheru
161.	Sayar
162	Scheduled Caste converted Christianity
163	Shagird Pesha
164	Siyal
165	Sonar, Swarnakar
166	Sukli
167	Tamang
168	Tamboli, Tamali, Tamuli.
169	Tanti, Tantubaya
170	Thapa
171	Tharu
172	Tili
173	Tipara
174	Tippera
175	Turha
176	Urao, Bandoi Haro Karkata, Luidu, Shitheo Tigga Tirki
177	Vyasokta

23. ANDAMAN & NICOBAR ISLANDS

S. No.	Names of O. B. Cs.
1.	Arundatilu (H).
2.	Balija.
3.	Berar (Umati).
4	Eluvala.
5.	Dhobi.
6	Chetty/Balija.
7.	Jheevar.
8.	Kharia.
9.	Munda.
10.	Naidu (Vadula, Karare, Naicker, Thayya, Nambiar).
11	Namasudra, Adhikari, Sarkar, Dhati, Bala, Hira, Baidal, Maji, Daligbi, Bodoi, Diskas, Poddar, Hindal, Roy, Das, Hadder, Manji, Basi, Manser, Biri, Nag, Bairagi, Bhatra (Baidya).
12.	Pillai, Vilaler, Vellalar, Karabhattu, Karanbattu
13.	Rao
14.	Reddiyar (Reddiyar, Jhothi, Reddyar)
15.	Server, Agamudyar
16.	Thakur (Nai)
17.	Yadav, Rolal, Kollubhattu, Konar.

24. ARUNACHAL PRADESH

S No.	Names of O B. Cs.	S No.	Names of O B Cs.
1.	Diwan.	6	Nayor.
2.	Kshatriya	7.	Nepali Lama.
3	Kurmi.	8	Sajalang
4.	Maiti.	9	Srehdc
5.	Majhiara.	10	Sunar.

25. CHANDIGARH

S No.	Names of O B. Cs
1	Acharaj, Panchal-Brahman, Changar
2.	Aheria, Aheri, Naik Heri
3	Ahir, Yadav, Gwala
4	Badhi, Barhai, Dhiman-Brahman
5	Bagaria
6	Barra
7	Barwar
8	Bahari
9	Banoudhiya-Rajput.
10.	Barai, Tamboli
11	Baragi, Bairagi.
12.	Bathi
13	Batterha.
14	Beria
15	Beta, Hensi, Hesi.
16	Bhand.
17.	Bharbhunja.
18	Bhat, Bhatra, Darpi, Ramiya.
19	Bhati, Chang, Ghirath.
20	Bhojki.
21.	Bhubalia-Lohar
22.	Bhujru
23	Bhura-Brahman.
24.	Biloch
25.	Botehra.
26	Charg.
27.	Chhimba, Chhipi.
28	Chirimar
29.	Dariya.
30.	Dakaut.
31.	Daoli, Doala.
32.	Deha, Dhaya, Dhea
33	Dhai.
34	Dhenwar
35	Dhimar, Dhinwar, Jhinwar, Kahar, Mallah
36.	Dhobi
37	Dhosali.
38	Faqir
39	Gadaria.
40.	Gaddi
41	Gadri.
42.	Gauria, Gwar, Gwaria.
43	Ghai.
44.	Ghasiara
45.	Ghosi.
46	Hadi
47.	Hajjam, Nai.
48	Hali
49	Harni
50.	Gutka Jat, Chillon Jat.
51	Jhangra-Brahman, Khati
52.	Jogi, Nath
53	Julaha (excluding those in S C)
54	Kamboj, Kamboh.
55	Kanchan
56.	Kanghara
57	Kanjar
58	Kassab
59	Kehal
60.	Kohli
61.	Kuchband
62	Kulait.
63	Kumhar, Prajapati
64.	Kurmi
65	Labana, Vanzara, Lobana Banjara.
66	Lakhera, Manihar
67	Madari
68	Mahatam
69	Mali, Phoolmali, Saini
70	Merh-Rajpoot.
71	Meena, Mina
72.	Mewati
73	Mirasi.
74	Michi
75.	Musavar
76.	Naar
77	Naddaf, Pinja.
78	Nalband.
79	Noongar
80	Pakhiwara
81	Rachband
82	Rai-Sikh
83	Rehar, Behara, Rer, Rihar
84	Scheduled Caste converts to Christianity
85	Shorgir
86	Singhiwala, Singhikaut
87	Soi
88	Taga
89	Tarkhan
90	Teli
91	Thanwin
92	Thathera, Kasera
93	Thori, Turi.

26. DADRA AND NAGAR HAVELI

S. No	Names of O B Cs	S. No	Names of O B Cs
1	Agri	6.	Kapdi
2	Ahir, Bharvad, Yadav	7	Kolaga (Misal)
3	Bhrhmi	8	Koli
4	Dhobi	9	Makrana (Muslim)
5	Kahar, Kumbhar	10	Nai (Valand).

27 DELHI

S. No	Names of O B Cs
1	Abbasi, Bhisti, Sakka
2	Agri Kharwal
3.	Ahir, Yadav, Gwala.
4	Arain, Rayee, Kunjra
5	Badhai, Barhai, Khati, Tarkhan, Jangra-Brahmin, Viswa-karma
6	Badi
7	Bairagi
8	Bairwa, Berwa
9	Banerwala
10	Barai, Tamboli
11	Bari
12.	Bauria.
13	Bazigar, Nat Kalandar, (excluding those in S C)
14.	Bhubhalia
15	Bhand
16	Bharbhooja
17	Bhat.
18	Bhatiara
19	Chak
20	Charan Gadvi
21	Chhipi, Tank
22.	Chirimar
23	Dafali
24	Daiya Dhaiya
25	Dakaut, Prade
26	Darzi
27	Dhinwar, Jhinwar Nishad
28	Dhobi (excluding those in S.C.)
29	Dhunia Pinjara, Kadher Dhunnewala
30	Fakir
31	Gach, Mandewala
32.	Gaderia
33	Gaddi, Garri
34	Gadheri
35	Ghasiara
36	Ghosi
37	Gujar, Gurjar
38	Harni
39	Herbi
40	Jallad
41	Jhatkia-Sikh
42	Jogi, Goswami.
43	Julaha, Momin (excluding those in S C)
44	Kachhi, Koeri, Murai, Murao
45	Kahar, Kashyap
46	Kalal, Kalwar
47	Kangar
48	Kanmaeli
49	Kasai, Qussab, Quraishi
50	Kasera, Temara, Thathera, Thathiar
51	Kathputli-Nachanewala
52	Kewat, Mallah
53	Khatgune
54	Khatifl (excluding those in S C)
55	Kumhar, Prajapati
56	Kurmi
57	Lahana
58	Kakhera, Manihar
59	Lodhi, Lodha, Lodh, Maha Lodh
60	Luhar
61	Machhi, Machhera
62	Mahapatra
63	Mali, Saini Southia Sagarwanshi-Mali, Nayak
64	Masania-Jogi
65	Memar, Raj
66.	Mina
67	Meo, Mewati
68	Merasi, Mirasi
69	Mochi (excluding those in S C)
70	Nai, Hajjam, Nai (Sabita)
71	Nalband
72.	Naqqal
73	Pakhiwara
74	Patwa
75	Pathar Chera Sangtarash,
76	Rangrez
77	Rayakwar
78	Saiz
79	Sthai
80	Sunar
81	Taga Tagah
82	Teli

28. GOA, DAMAN & DIU

S No	Names of O B Cs
1	Bhandari
1A	Banjara, Lambadi, Lamani, Sugali
2	Christian Chamar
3	Christian Mahar
4	Dhangar
5	Dhobi.
6	Dhor.
7	Gauda
8	Goggi.
9	Gosavi.
10	Kasar
11	Koli
12.	Kunbi
13	Mitna
14	Naidu.
15	Nath, Jogi
16	Nhavi, Nai
17	Sagar
18	Yadav Gavli

29. LAKSHADWEEP

S No.	Names of O B. Cs.	S No	Names of O B Cs

—NIL—

30 MIZORAM

S No	Names of O B Cs
1	Apatani.
2.	Gurkha
3	Manipuri.
4	Paite
5.	Ralte

31. PONDICHERRY

S No	Names of O B Cs
1	Achukatlavandlu
2	Aparudivas (including Thuluva Vellalas)
3	Agaru Jurakula
4	Agasa
5	Agnikula Kshatriya (Pallekapu, Palloreddi Vannekapu Vannereddi)
6	Alwar
7	Ambalakaran
8	Ambika
9	Anandan
10	Andipandaran
11	Anglo Indian
12	Arayan (Nulayan), Araya
13	Archakatalavandu
14	Are Mahrati
15	Arya
16	Aryavathi (Nairuseri)
17	Atagara, Atagora
18	Badaga
19	Balolika
20.	Bestha Beztha (Jalarula Nagavadaity)
21	Bhatraju
22	Bhavassar Kshatriya, Bangarajulu, Rongare Darji Simpi.
23	Bhottodas-Bodo Bottadu, Muria Bhottada and Sano Bhottada.
24	Bhumias, Bado Bhumias and Bhuri Bhumia
25	Bhundari
26	Billava.
27	Bissoy
28	Bondili.
29	Bonya
30	Boyan.
31	Byagari
32.	Chakkala
33	Chaptogra.
34	Chatadi (Chattada or Srivaishnava)
35	Chavalakaranas
36	Chekkalas whose normal occupation is oil crushing like Cap Vaniyans
37	Chettadara.
38	Converts to Christianity from Scheduled Castes
39	Dasari
40.	Devadiga
41	Dovalkar
42	Devanga, Devangan
43	Dhakkada
44	Dommara.
45	Dudubi
46	Dudokula Pinjari
47	Enadi
48	Eravallar
49	Exhava (Exhuva Ezhava Illuvan)
50.	Exhuthachan
51	Ezhavathy (Vathi)
52	Ezhuthachans.
53	Gaadla, Gaadavars
54	Gaalda Konkani
55	Gandla
56	Gangavars
57	Ganika (including Nagavamasam)
58	Gatti.
59	Gazula Balija, Gazulasetti (Gajula)
60	Gavara
61	Gobba
62	Godaba
63	Gondi, Modya Gond and Rajo, Gondo
64	Gound or Gowdi, Machhus Pal, Paiko Patra or Pata Sundi or Telli Tanti, Yeranagollas, Oriya or Veddy Samantho, Oriya Backward Classes Badhai Bhokta, Darji Gour
65	Goudus Bato, Bhirithya Dodhokouria Hato Jatako and Joria
66	Gowda, Gouda (including Gamalla or Kalali)
67	Grammani Shanan & Nadar
68	Gudigara
69	Hdiga (including Settibalijas of East and West Godavari Distt)
70	Hedge
71	Helva
72	Idiga (including Sett Balija)
73	Illuvan (Ezhvan)
74	Irulas
75	Isai Vallalar or Melakarar
76	Jadapus.
77	Jakkulas
78	Jalarlu
79	Jambuvandondai
80	Jandara
81	Jangam
82	Jetty
83	Jogi
84	Kabbara
85	Kadaiya.
86	Kadan
87	Kadupattan
88	Kaikolan or Kaikola (Sengunthar, Sengundar)
89	Kalarikurups (Kairal Panicker)
90	Kalavanthula
91	Kalingi
92	Kallan
93	Kallar
94	Kamalas (Viswakarmala)
95	Kammalana (Kamsalas Viswav-Brahman and Viswa Karma Karuvaw)
96	Kandra
97	Kani Kanian or Kaniyan and Kanisu or Kaniyar Panikkar Ganka, Kanisy

S. No	Names of O B Cs
98	Kavuthiyan
99	Kelasi.
100.	Kerala Mudali, Kerala Muthali
101	Kharvi
102	Khattis-Khatti, Kammarao and Lohara
103	Kitara
104	Kodu
105	Kohdala
106	Kolarios or Munivanies
107	Kommar
108	Kopplavalamas
109	Koracha
110	Kosalya Goudus Bosothoriya Goudus, Chitti Goudus, Dangayath Goundus, Doddu, Kamariya, Dudu Komaro, Ladiya Goudus & Pullosoriya Goudus
111	Kosavans, Kuyauar
112	Kotayar (Shoragara Kushatriya)
113	Krishnavaka
114.	Kudumbi
115.	Kuleia, Kulala, Kummari
116	Kumbaran
117	Kunnuvar Mannadi
118	Kurumba, Kuruba, Kurubar, Kuruva.
119	Kusavan.
120.	Labbai
121	Lambadi.
122.	Madugar or Modavar or Vethakkara
123	Nagatha Goudus-Bernia Goudub, Boodo Magatha Dengoyath Goudo, Ladya Goudu, Ponna Magatha and Sana Magatha
124	Mahaedra, Mahandra, Medara
125	Male
126.	Mangala (Nayee-Brahman)
127	Mannus
128.	Mappila
129	Marathi.
130.	Maravar, Maravaw
131.	Maruthuvar
132.	Mdiyla, Madivala
133.	Melakudi or Kudiyan
134.	Modi Bans
135.	Mogaveera
136	Moli, Moli
137	Mondgolla
138.	Mongola.
139	Moniagar
140.	Moundadan
141	Mudava/Muduga
142.	Mukhari.
143	Mukkuvan or Kukayan, Mogayan, Logavan (Including Bovia).
144.	Muria
145.	Mutlakampatti
146	Muthuraja
147	Muttiriyan/Muthiriyar
148	Nadar
149	Nagaralu
150.	Nagaram.
151	Nagavaddily
152	Naidu Gavara

S No	Names of O. B. Cs.
153	Naiker, Vanniya
154	Naikkans, Naicken.
155	Nakkala
156	Nalakodaya
157	Namdev, Simpi
158	Namar
159	Narikoravan.
160	Navundian
161	New Buddhists, Nov Buddhists
162.	Nokka
163	Odans, Odde, Voddoo or Vadda or Veddai, Odon (Donga), Odiya
164	Oulu
165	Omanaito
166	Ottanaickan
167	Padayachi
168	Padmasali
169	Paigarapu
170	Painda
171	Palaekari
172	Palasi
173	Palli
174	Pamula
175	Pandithar (Anpattan, Pranopkari and Nasivan)
176	Pandi Thattan
177	Pannagadikara
178	Pannan Vettuva Goundor
179	Pannaiyar or Pannayar
180	Paramban
181	Paravan (Christians)
182	Parol Madivala
183	Parrakavakulam (Surithimaman) Malayanan, Nathaman, Moopanar & Namar
184	Pathukudi
185	Patnulkaran
186	Patrikulam, Patrakulam
187	Patta avam.
188	Pattariyas or Pattarias.
189	Pattulakaran
190.	Pentias.
191	Perike, Perike Balija, Piragiri Kshatriya.
192	Perumbadian
193	Perumkollans.
194	Peruyannan
195	Picchigunta
196	Pielai
197	Pillava.
198	Polinativalma of Srikakulam & Visakhapatanam Distt.
199	Pomnala
200	Poraya
201	Praravatharajakulam.
202.	Pulluvan.
203	Pusala, Pusalavaan, Pusalvandlu
204	Rajaka
205	Rajapuri, Raju.
206.	Rauther.
207	Rona.
208	Sadan, Dedan.

S No	Names of O. B. Cs.
209	Sagalis.
210	Saiva Vellalan
211	Sakravar (Kavathi)
212	Salian (Pattarayan), Saliyas, Saliyan, Pattusali, Senapathulu, Kamithoktulu, Sale, Jhogata Sāli
213	Sanaithalaivar (Senaikudiyan)
214	Senai Thalvivar (Elavabanias)
215	Setti Balija.
216	Sistakkaranm
217	Sollar
218	Srisayana
219	Farakan
220	Tatapux.
221	Thandal Vannan.
222	Thiya Ēlhura, Thiyyas
223	Thogatta Veerakshatriya
224	Tholkollans
225	Tholuva Naicker and Vettalakara Nairko
226	Thondaiman
227	Thoraiyan
228	Thottia Naicken (including Rajakambalam, Gollavar, Sillayar, Thockalavar and Tholuva Naikar)
229	Thottiyar
230	Thunnan
231	Thurpu Kapus, Casula Kapus.
232	Tigala (Tigla)
233	Tolikula
234	Uppara
235	Urali Goundan
236	Vada Balija, Vadava (Golla or Kondri)

S. No.	Names of O B. Cs.
237	Vadra or Vaddara
238.	Vadukan, Vadagan, Vadugan, Vaduvan
239	Valakatalavan
240	Valans
241	Valmiki
242	Vaniyar
243	Vaniyan or Vaniar (Vanika, Vanika-Vaisya, Vaisya-chetty, Vanibaacherry, Ayiravar and Nagarathar)
244.	Vannan, Vannar
245	Vanniyakula Kshatriya, Including Vanniar or Vanniyar Gounder, Kondar or Vannia Gounder and Vannikandar (other than Vella Gounder belonging to Vanni Vanniyakula Kshatriya Caste).
246.	Vathis
247	Veerassiva (Fandaram, Matapathi, Vairagi, Vairavi, Yogiswarar).
248.	Velan, Vollan
249	Vellala Pillai, (Nanjinad Vellala)
250	Veluthsdan, Veluthedathu Nair
251	Vettaikaran
252	Vetturan
253	Vettuva Goundar
254.	Vettuvan
255	Vikurup.
256	Vilakkathala Nairs (Velakkathalavan)
257	Virakadi Veklalar
258	Yadava (Konar, Kolaya, Ayar, Mayar, Muniyan Eruman).
259	Yorukula
260	Yoggeswaran

Vol. VII
Minute of Dissent

Minute of Dissent by Shri Naik (Ex. M.P.) Member

MINUTE OF DISSENT

BY

SHRI L R NAIK, EX-M P (*MEMBER*)

BACKWARD CLASSES COMMISSION

I have endeavoured to the best of my ability and understanding of the socio-educational problems of the backward classes of citizens of India to assist the Chairman and other Members of the Backward Classes Commission in carrying out the arduous task entrusted to them by the President of India in terms of reference prescribed I am happy that I received full co-operation and encouragement from them, especially Shri B P Mandal, Chairman of the Commission It is, therefore, not without feelings of regret and reluctance that I write a separate minute of dissent only with reference to categorisation of socially and educationally backward classes of citizens, identified by the Commission in terms of reference made to them.

The Commission have, on certain criteria as delineated in Chapter XI prepared a common list of socially and educationally backward classes of citizens and I suggest its modifications in the following manner :—

I held very sincerely that castes/classes mentioned in the common list, each having homogeneous and cohesive characteristics, are not at the same degree or level of social and educational backwardness and I fear that the safeguards recommended for their advancement will not percolate to less unfortunate sections among them and the constitutional objectives proclaiming an establishment of an egalitarian society will remain a myth Some of the communities in the common list who would be called hereinafter as 'Intermediate Backward Classes' on the lines delineated in the report of the Tata Institute of Social Studies (Volume IV) have made their presence felt in the caste hierarchical society in India, either on their numerical strength or their age-old co-existence along with other advance communities in villages and towns Given better opportunities and encouragement in future, I have, no doubt in my mind that they would integrate with the general populace sooner than later But there are number of castes and classes in the common list who are incapable of making such a dent, in the near future, being extremely backward, both socially and educationally and also economically Their economical backwardness is evidently the consequence of their age-old social and educational backwardness By way of clarity they would be, hereinafter, called 'Depressed Backward Classes' as distinct from the 'Intermediate Backward Classes' I am of the opinion that these unfortunate classes of people, i e 'Depressed Backward Classes' steeped as they are in massive backwardness would take time for their enlightenment and advancement, unless, of course, concerted efforts, at national levels, are made by way of sagacious inputs of safeguards the benefits of which should be percolated to them in a large measure So there is a compelling need to shift them carefully from the main common list and create a separate entity of equals or near-equals to bring about a healthy competition among them for the benefits of safeguards The rest of the communities in the common list should then form a distinct category for the same reason of creating an atmosphere for competition among equals for the safeguards This device is necessary in the interest of the nation as a whole.

The 'Intermediate Backward Classes', in my opinion, are those whose traditional occupation had been agriculture, market gardening, beatle-leaves growers, pastoral activities, village industries like artisans, tailors, dyers and weavers, petty business-cum-agricultural activities, heralding, temple service, toddy selling, oil mongering, combating, astrology etc etc; who have co-existed since times immemorial with upper castes and had, therefore, some scope to embibe better association and what all it connotates than many unfortunate 'Depressed

Backward Classes' whose intermingling with the Indian society was either denied, prohibited and even segregated obviously on account of stigma of their traditional occupations, stigma of criminality, stigma of nomadism resulting in their abysmally low social status They, generally, are ex-criminal tribes, nomadic and wandering tribes, earth diggers, fishermen, boatmen and palanquin bearers, salt makers, washermen, shepherds, barbers, scavangers, basket makers, furriers and tanners, landless agricultural labourers, watermen, toddy tappers, camel-hardsmen, pig keepers, pack bullock carriers, collectors of forest produce, hunters and fowlers, corn parchers, premitive tribes (not specified as Scheduled Tribes), exterior classes (not specified as Scheduled Castes), and begging communities etc etc

These very names amply connote their social and educational backwardness and, therefore, should have been postulated by the Founding Fathers of our Constitution as in the case of the Scheduled Castes and Scheduled Tribes for the purpose of specification Things that are obvious need no proof I sincerely consider that this lapse on the part of our Constitution makers has resulted in a serious constraint in establishing an egalitarian society based on justice, social, economical and political Three decades of Independence and the dawn of freedom is yet to bestow a willing smile on many a hamlet and slum of these unfortunate segments of the Indian society They continue to submit to the decrees of fate rather than have the benefits of the decrees of our basic laws Liberty, Equality and Fraternity so richly enshrined in the Constitution of our country have still to acquire meaningful propotion for all of them Most of these communities are either Scheduled Tribes, Scheduled Castes depending on their characteristics in relation to some States, but not so in other States

During the course of my extensive tours throughout the length and breadth of India, I observed that a tendency is fast developing among 'Intermediate Backward Classes' to repeat the treatments or rather ill-treatments, they themselves have received from times immemorial at the hands of the upper castes against their brethren, I mean, the Depressed Backward Classes' In an unequal society like ours it is necessary that the Commission take all precautions so that the more helpless and needy segments are not deprived of the benefits of the various safeguards by avoiding cut-throat competition among unequals. The casteism is still very much in our midst and this is assuming new forms without showing much loss of its original vitality. In fact, several observers feel that the logic of democratic politics and mass mobilisation has brought casteism to the Centre of the stage. It is with regret, I affirm that political leaders belonging to 'Intermediate Backward Classes' are not immune from such aberration nor they are imaginative enough to bring about the advancement of the people who are at the bottom of our society, such as these 'Depressed Backward Classes' All that they seem to be doing is to emulate some disgruntled upper castes in userping economic and political power in the name of backward classes This is a mental aberration which deserves outright condemnation from whatever quarters it may emanate—whether from Upper Castes or Intermediate Backward Classes

The ancient adage that 'if a big fish and a small fish are put together, the former will swallow the latter'', is still very apt in the context of the caste hierarchical society of India Care should, therefore, be taken with all emphasis at our command that the benefits of safeguards are dispersed equitably and rationally, as far as possible, among all sections of the backward classes This, I consider, can happen by avoiding competition for benefits among unequals or by bringing about competition among equals I, therefore, propose that the common list should be categorised into two parts, 'A' and 'B'. 'A' consisting of those classes whom I have described as 'Depressed Backward Classes' and 'B' the rest of the communities in the list to be described as 'Intermediate Backward Classes' The list of 'Depressed Backward Classes' in relation to States and Union Territories is given in *Annexure II.*

Quantum of Reservation

A percentage distribution of Indian population by castes and religious groups has been indicated in the body of the main Report. It is seen therefrom that the percentage population of Other Backward Classes including non-Hindu communities is derived at 52. It is further seen that the population percentage of Hindu backward castes/groups is 43 70, whereas that of non-Hindu communities is 8 40. Now on categorisation of Other Backward Classes into 'Intermediate Backward Classes' and 'Depressed Backward Classes', a fresh statement of percentage distribution of Indian population is prepared and is at *Annexure I.*

It is seen therefrom that the percentage population of 'Depressed Backward Classes' is 25.56 and that of 'Intermediate Backward Classes' is 26 44 It is undoubtedly safe to assume that these two categories are equal to each other from their population point of view.

After good deal of discussions with which I am in full agreement, the Commission has recommended reservations to the extent of 27 per cent in all services under the Central Government It has further recommended that seats should be reserved in all scientific, technical and professional institutions run by the Central as well as State Governments and the quantum of reservation should be the same as in public services, i.e 27 per cent.

In all fairness and in view of the fact that the 'Depressed Backward Classes' are comparable in matters of backwardness to those of the Scheduled Castes and Scheduled Tribes, I recommend 15 per cent reservation for them out of 27 per cent both in public services and educational institutions as mentioned above. For all other concessions they should be treated on par with SC/ST I refrain from recommending political reservation I, however, urge them to unite and organise They have nothing to lose except their chains of age-old degradation, social, economical and political Hatred towards none and love and affection for all should be their motto They should recognise that an essential part of their battle against their social backwardness is to be fought in their own minds for their own salvation. At the same time, I have a word of caution for the ruling elite in our country that there cannot be an egalitarian society unless the depressed are enabled to be on par with them They should, therefore, refrain from agitating against any reservation for the backwards and if they do so it is at their own peril and that of the nation

Acknowledgement

I am quite aware that Shri B P Mandal, Chairman of the Commission is mainly responsible for my induction in the Commission I am grateful to him His encouragement and profound kindness that he showered on me will be ever cherished I am also grateful to my other esteemed and distinguished colleagues for their co-operation

I must put on record the invaluable co-operation and assistance I received from Dr. S Bheemappa, Professor of Surgery, Bangalore Medical College, Bangalore (Karnataka) in identifying the 'Depressed Backward Classes' from all over India and in deriving their population figures It has been his second habit to understand the problems of the underdog at their depth His expert advice on the subject to the Commission deserves all appreciation.

I am also grateful to all Co-opted Members from all the States and Union Territories for their co-operation and advice

Sd/-
(L. R NAIK)

Annexures

ANNEXRE I

Percentage Distribution of Indian Population by Caste and Religious Groups

S. No.	Group Name	Percentage of total population
	I. Scheduled Castes and Scheduled Tribes	
A-1	Scheduled Castes . . .	15 05
A-2	Scheduled Tribes . .	7 51
	TOTAL of 'A' . . .	22 56
	II Non-Hindu Communities, Religious Groups, etc	
B-1	Muslims (other than STs)	11 19 (0 02)*
B-2	Christians (other than STs) .	2 16 (0 44)*
B-3	Sikhs (other than SC/ST) .	1 67 (0 22)*
B-4	Budhists (other than STs) .	0 67 (0 03)*
B-5	Jains .	0 47
	TOTAL OF 'B'	16 16
	III Forward Hindu Castes & Communities	
C-1	Brahmins (including Bhumihars)	5 52
C-2	Rajputs	3 90
C-3	Marathas	2 21
C-4	Jats	1 00
C-5	Vaishyas-Bania, etc.	1 88
C-6	Kayasthas .	1 07
C-7	Other forward Hindu/Castes/Groups	2 00
	TOTAL OF 'C' . .	17 58
	TOTAL OF 'A', 'B' & 'C'	56.30
	IV Backward Hindu Castes & Communities	
D.	Remaining Hindu castes/groups which come in the category of OBCs	43 70@
	V Backward Non-Hindu Communities	
E.	52% of religious groups under Section 'B' may also be treated as OBCs . .	8 40

S.No.	Group Name	Percentage of total population
F	The approximate derived population of OBCs including non-Hindu communities . .	52% (Aggregate of D&E roundeded)
	NB : It is proposed to divide the population percentage of OBCs mentioned in Serials 'D' & 'E' into— (a) percentage of population of 'Intermediate Backward Classes', and (b) percentage of population of the 'Depressed Backward Classes'	
	VI. 'Intermediate Backward Classes' including Non-Hindu communities	
G-1	Land owner and cultivating castes and communities excluding Marathas and Jats	6 40
G-2	Marketing Gardeners . .	2 06
G-3	Pastoral Castes excluding shepherds	2 50
	Artisans, viz—	
G-4	(a) Vishwakarma . . .	2 10
G-5	(b) Tailors and Dyers	0 18
G-6	(c) Weavers . .	1 40
G-7	(d) Potterers . . .	1 10
G-8	Petty business-cum-agricultural Castes .	0 50
G-9	Oil Mongers	1 40
G 10	Combatants other than Rajputs	1 80
G-11	Heralders	0 10
G-12	Temple servants and Astrologers	0 10
G-13	Non-Hindu communities excluding Scavangers, Mulsim ex-criminal tribes, Muslim nomadic tribes and Muslim shepherds	6 80
	TOTAL OF 'G'	26 44
H.	Percentage population of 'Intermediate Backward classes' + Backward Non-Hindu communities	26 44
I	Percentage of population of 'Depressed Backward Classes', i e 'F' minus 'H' .	20 56@

*Figures in brackets give the population of SC/ST among these non-Hindu communities
@This is a derived figure

ANNEXURE II

STATEWISE LISTS OF THE DEPRESSED BACKWARD CLASSES

ANDHRA PRADESH

S. No.	Names of the Depressed Backward Classes
1.	Achukatlavandlu
2.	Adi Karnatak
3	Aryakshatriya, Chittari, Chitrakara, Giniyar, Nakha
4.	Bandara.
5.	Balasanthua Bahurupi
6	Banda.
7	Bandara
8.	Bathini
9.	Battada
10.	Begari
11.	Bellara
12	Bestha, *Jelare, Vade-Balaji, Neyyalu, Agnikula-*Kshatriya, Palli, Gangaputragoondla, Parvatharaja-kulam, Gangavar
13	Bhamta.
14	Bhettadas-Bodo, Bhottads, Muriabhattada and Sano Bhottads.
15	Bissoy-Barangi Jodia, Bandangi Daduva, Godo Jodia, Hollar, Jhtriya, Kollai, Konde, Paranga, Pergajodia, Prangi, Takora
16	Boya, Valmiki
17.	Badabukkala
18	Budbukk
19.	Bukka
20	Burbook.
21	Chakala, Chawla, Dhobi, Rajaka, Chakali, Vannar
22	Chopemari
23	Chatri-Agnikulaksatriyya, Bombili
24	Cheruman
25.	Chintala
26.	Damala
27	Dasari.
28	Dasaris (Donga & Gudu)
29.	Dhakkada
30.	Dher.
31	Dommara
32.	Dombo
33	Dombs-Andhiya Dombs, Audiniya Dombs, Chonel Dombs, Christian Dombs, Nirgani Dombs, Oriya Dombs, *Ponaka Dombs, Telaga Dombs* Ummia Dombs
34	Dongayatha
35	Dommari
36	Gangani
37	Garodi.
38	Godaba
38A	Gavara
39.	Godala
40	Goudus-Bato (Bhirithya) Dudhokuria, Hals, Jatako and Joria
41.	Gudala
42	Hasla.
43	Irula
44.	Jogi.
44A	Joshinadidala
45	Kadan
46	Kaikadi (or Koracha or Koravav)
47	Kalladi, Kalwar
48	Kanakkan
49	Kandra
50	Kaniyan
51	Kanjar
52	Kanjara-Bhatta
53	*Kampmare or Reddika*
54	Kapumaries
55	Karimpalan
56	Katipamula
57	Koraga
58	Khond
59	Kochi
60	Kodalo
61	Kond (Kui)
62	Koosa
63	Kota
64	Koti
65	Krishnabalija (Dasari Bukka)
66	Kudiya
67	Kudubi
68	Kudumban
69	Kurakula
70.	Kuravan
71	Kurichchan
72	Madri
72A	Mandula
73	Maila
74	Malasar
75	Mondi Patta
76	Mali (excluding the areas where treated as Scheduled Tribe)
77	Malis-Kurchia Malis Paiko Malis and Peddamali
77A	*Maugala*
78	Medari or Mahendra
79	Moger
80	Moniwar
81	Mondivaru, Mondi Banda, Bandi
82	Manula
83	Muliya
84.	Murii
85	Nagavaddilu
86	Naik
87	Naikappu
88	Nakkalas

S No.	Names of the Depressed Backward Classes
89.	Nayadi
90.	Neelakanthi
91	Neyyala
92.	Nhavi
93	Nirshikaris.
94.	Nokkar
95	Nolakeyava
96.	Nolli
97	Oddars (or Weldars).
98	Odde, Odder Vadde Oddilu, Vaddi, Vadde.
99	Omnaito
100	Pacha Bhotla
101	Pachabotla
102.	Padampari
103.	Pagadai
104	Paigarapu
105	Painda
106.	Palakari
107.	Pallan
108	Pambala
109	Pamula
110	Panan
111	Paniyan
112.	Panniandi
113.	Pareiyan
114.	Pardhi (Nirshikari)
115.	Paravan
116	Perika
117	Pariki Muggula
118.	Passi
118A	Pondara
119	Pettas
120	Picharis.
121	Pitchiguntala
122	Polmars.
123	Poroja-Bado, Perojaor Solia, Jodia Peroja, Pareng Peroja and Sono Poroja.
124.	Poosala
125.	Pulayan
126.	Puthiraj Vannan
127	Rachkoya
128.	Raneyar
129.	Raulo
130.	Saora
131.	Sapari
132.	Sare
133.	Senatal
134	Sholagn
135	Sholager.
136.	Sindhor
137.	Singalu
138	Sore
139	Sunna
140.	Taleyari
141	Thottia Naicks,
142.	Yoda.
143.	Uppar, Sagar
144.	Valluvan
145	Valmiki
146	Valmiki Boya (Boya, Bedar, Kirataka, Nishadi, Yellapi Pedda Boya) Talayari and Ghunlu Vallu.
147.	Thogra, Bholla, Baliga.
148.	Vadder-Bovi, Upparilu
149	Vettuvan.
150	Waddai or Kala Waddars or)Pathrods
151.	Wadla
152.	Yueruleu.
153.	Yaras
154.	Yata.
155	Yetla

LIST OF DEPRESSED BACKWARD CLASSES

ASSAM

S. No.	Names of the Depressed Backward Classes
1.	Barjubi.
2.	Baria.
3	Bhumij
4	Bhuyan
5	Choudang
6	Chutia, Chutiya
7	Dhamai
8	Ghataur
9.	Gor.
10	Kandhal
11	Karbi
12	Maria
13	Moran, Matak
14	Mukhi
15	Munda
16	Mura
17	Nai, Bij, Hajjam, Napit
18.	Nonia, Nunia
19.	Oraon
20	Santhal, Santal
21	Sudra Das, Dey
22.	Sut. Soot
23.	Tipara, Tipera
24	Arya Mala
25.	Asur
26.	Baiga
27.	Bajara.
28.	Basor
29	Basphor
30	Bauri
31.	Bedia.
32	Beldar
33.	Bharaik
34.	Bhil
35.	Bhokta
36	Bhumij
37.	Bhuyan
38	Binjia
39.	Birhor
40	Birjia
41	Bondo
42	Bowri
43.	Chamar
44	Chere.
45	Chick Banik
46	Dandari
47	Dandasi
48	Dhanwar
49	Dusad
50	Ganda
51	Ghansi.
52	Ghatowar
53	Gonda
54.	Gonds
55	Gorait
56	Hari.
57	Holra
58	Kalahandi.
59	Kalihandi
60	Karmali.
61	Kashan
62	Kawar
63	Keot
64	Kharia.
65	Kherwar
66	Khodal
67	Khond.
68	Khonyor.
69	Kohor
70.	Kol.
71	Kondpan.
72	Kormakar
73.	Korwa
74	Kotwal
75	Koya
76.	Madari.
77	Mahli
78	Majwar
79	Malpaharia.
80	Manki.
81	Mirdhar
82	Mohli
83	Mundas
84	Nagasia
85.	Nath.
86	Oraon.
87.	Paidi.
88	Panika
89	Pans
90	Parja
91	Pasi.
92	Sahora.
93	Santhals.
94	Severas.
95	Tamsa.
96	Turi.

LIST OF DEPRESSED BACKWARD CLASSES

BIHAR

S. No.	Names of the Depressed Backward Classes
1	Abdal
2	Agariya
3	Adhiri.
4	Amaat.
5	Bagdo.
6	Bajigar
7	Banpar
8	Bangalo
9	Bari.
10.	Basphor
11.	Bekhada
12	Beldar, Bachgotra, Sapera
13	Beldiya
14	Bentkar
15	Bhar
16	Bharbhuja
17	Bhuihar, Bhuiyar Bhubhal[illegible]
18	Bind.
19	Binjina
20	Chandrabhanshi (Kahar)
21	Chain, Chayeen
22	Chanou
23	Chapota
24	Chatwal
25	Devhar
26.	Dhamin
27	Dhankar
28	Dhanwar
29	Dhari
30.	Dhekaru
31	Dheha
32	Dhimar
33	Dhunia, Dhuniyan
34	Gadaba.
35	Gandharb
36	Ghatwar
37.	Ghusuria
38	Godo (Chhavo), Godhi.
39	Godra
40	Goskha
41	Gonth Gorh, Godh Gothahum
42.	Goud
43	Gulgaliya
44	Irika
45	Jadup
46	Jogi, Jogo, Jugi
47	Juang
48.	Kabari
49.	Kadar
50.	Kahar, Chandraborai, Chatrapati [illegible] Ramani, Rawani, Pra[illegible]
51	Kalwar
52	Kamkar
53	Kandra
54	Kapadia
55	Karwalnut
56	Kawar
57	Kela
58	Keet.
59	Khadwar
60	Khangar
61	Khatik
62	Koli
63	Korku
64	Kumarbhag Pahadia
65	Kanjra Ghara
66	Kriuria
67	Lalbegi, Bhangi (Muslim)
68	Madar
69	Mahuria
70	Majhwar
71	Malnar (Malhòr)
72	Mali (Malakar)
73	Mallah, Birha, Goyatri, Ghetwel, Jalwar, Kewat, Kurwaha Maheta, Majhi, Muriyoni, Masuria, Phulant, Purhia, Nisad, Goshi, Dhiwar, Jhiwar, Jhimar
74	Mangan
75	Mangar (Magar)
76	Markande
77	Marwari Bauria
78	Muriaro
79	Namshudra
80	Nonia, Kharwat, Nunia
81	Pahira
82	Pal (Bheribar-Gaderi)
83	Parya
84	Patherkut Bachigolia
85	Patwa
86	Pinganiya
87	Rajdhobi.
88	Rangwa
89	Sangatrash
90	Sauta (Sota)
91	Soir, Soyer
92	Sunri.
93	Tamariya
94	Tharu
95	Thathera
96	Tiyar
97	Turha, Sao

LIST OF DEPRESSED BACKWARD CLASSES

GUJARAT

S. No.	Names of the Depressed Backward Classes
1.	Adodia.
2.	Agri.
3.	Banjara, Vanjara, Charan, Banjara, Mathura Banjarh, Maru, Banjara, Bagora Banjara, Kangashia Banjara, Bamania Banjara, Gavaria, Gavalia, Rohidas Banjara.
4.	Barot, Vahivancha, Charan Gadhvi.
5.	Burud.
6.	Bavri or Baori.
7.	Bhalia.
8.	Bhamta, Pardeshi Bhamta.
9.	Bharwad (excluding Nesses of forest of Alech Barada & Gir).
10.	Bhoi, Bhoiraj, Dhimar, Zingabhoi, Kevat, Bhoi, Bhanara Bhoi, Machhindra Bhoi, Palewar Bhoi, Kirat Bhoi, Kehar Bhoi, Pardesh Bhoi, Shrimali Bhoi.
11.	Chakrawadya Dasar.
12.	Chuvalia Koli.
13.	Chhara, Adolia, Sansi.
14.	Chunara.
15.	Dabgar.
16.	Dekaleru.
17.	Dhobi.
18.	Divacha[illegible]oli.
19.	Ghantia.
20.	Hingora.
21.	Kalbodia.
22.	Kangasia.
23.	Kaikadi.
24.	Khant.
25.	Kharwa Bhadela.
26.	Khatik.
27.	Kotwal or Kotwalia.
28.	Mahravat, Goti, Hadkashi, Zod, Dhingq, Pelya, Shatbai, Baman.
29.	Machi, Aaribharatbhara, Bharatbhara, Ghamadia-Chamadia, Chandlia, Dasania, Jansali, Jingar, Myangar, Sonari, Sivania.
30.	Machhi (Hindu), Bitna. Dhimar, Dhivar, Kahar, Khalas, Khalasi, Kharwal Mangela Sarang, Tendel
31.	Madari. Bharsthari, Nath.
32.	Me[illegible]r Meta.
33.	Mena (Bhil).
34.	Mer.
35.	Nat, Nat-Bajania, Natada, Bajigar.
36.	Od.
37.	Padhar.
38.	Paradhi (excluding Kutch District).
39.	Pardhi Advichincher (In the Districts of Amerli, Bhavnagar, Jamnagar, Junagarh, Kutch, Rajkot, Surendra Nagar).
40.	Rabari, Sorthia Charalia, Charmta, Luni, Kushar, Tank Muchhal Kadiyakumbhar (excluding the Nesses of the forests of Alech, Barada &Gir).
41.	Rathodia.
42.	Raval-Ravalia, Jati or Raval Yogi, Rawal Jati, Jagaria, Padat, Ravar Rawalia.
43.	Rohit.
44.	Salat.
45.	Sangheda.
46.	Sansi.
47.	Sarania.
48.	Sargara.
49.	Shikligar.
50.	Sumra.
51.	Talabia.
52.	Tahkar.
53.	Targala, Bhaviya, Bhojai, Nayak.
54.	Thakaroa, Baria, Dharala, Patanwadia, Thakore.
55.	Vaghri-Gemicho, Vedva Churalia, Jakhulia (excluding Kutch Distt).
56.	Vahivancha Charan Gadhvi or Harijan, Vankar and Chamar.
57.	Vala.
58.	Valand and Nai (Hindu) Hajjam, Khalipha (Muslims).
59.	Vans-fode, Vansfodia or Vanza.
60.	Wadwa Waghari.
61.	Waghari, Dataniya, Waghari, Vodu Waghari. Talapada, Waghari, Gamachia, Godalia Waghari, Chibhadia Waghari, Morawad Waghari.

LIST OF DEPRESSED BACKWARD CLASSES

HARYANA

S. No.	Names of the Depressed Backward Classes
1	Aheria, Ahiria, Heri, Aheri, Naik, Thori, Turi.
2	Bagaria
3	Banjara, Vanjara, Gwar, Badi
4.	Bara, Barra
5	Barma
6.	Barwar
7.	Battera
8.	Beria
9	Beta, Herai or Hesi.
10.	Bharbhuja, Bharbhunja, Kalanera.
11.	Churima.
12	Dakaut, Dakot, Jyotshi
13.	Daoli, Daola
14.	Dhanwar
15	Dibbipuria.
16	Dhimar, Mallah, Kashyap Rajput.
17	Dhobi, Batham, Chauthan-Bhatti, Khurdania, Monson Rajpur, Tanwar
18.	Dhosali, Dosali.
19.	Gadaria, Baghela, Berela, Biar Bilra, Hiranwal, Kalanlia, Padnowal, Pal, Shiviya
20	Gaddi.
21	Ghasi, Ghasiyara, Ghosi
22.	Ghiradh, Ghirath
23	Godri
24	Gorkha
25	Marni
26.	Jhimar, Atlas, Bidran, Bire, Bhuniwar, Duglan, Dora, Ghitra, Jhewar, Jhinwar, Jimar, Kahar, Kirnal, Lamsar, Mairi, Radhav, Tala.
27	Kehal
28	Khanghera.
29	Labana
30.	Lalli
31	Madari
32.	Maghya.
33	Meena, Mina.
34	Mirasi
35	Mochi
36.	Naar
37.	Noongar, Nungar
38	Rachband.
39.	Rehar, Rehara, Rihar, Rea
40.	Shorgir

LIST OF DEPRESSED BACKWARD CLASSES

HIMACHAL PRADESH

S. No.	Names of the Depressed Backward Classes
1.	Aheria, Aheri, Heri, Naik, Thori, Turi
2	Ard-Pop
3	Badi, Chinsoras, Meloris, Odmata, Uramamara.
4.	Bagria
5	Bajigar
6	Bahti.
7.	Badia.
8.	Batterha
9.	Beda
10.	Béta, Hensi, Hosi.
11	Bharbhunja, Bharbhuja.
12.	Bhubalia.
13	Chang, Chahang.
14.	Changar.
15	Chelopa.
16	Dhimar, Dhiwar, Dhinwar, Jheevar, Jhinwar, Kahar, Mallah, Kashyap Rajput.
17.	Dhosali, Sosal.
18	Geddi (excluding the areas where specified as S.T).
19	Gaderria.
20	Ghassi, Ghasiara, Ghosi
21.	Godri.
22.	Gumtian.
23	Harni.
24	Kahar
25	Kanghera.
26.	Kehal.
27	Koiaga.
28.	Labana.
29	Lalli.
30.	Madari.
31	Muslim Banjara, Muslim Gujar
32.	Mehra.
33	Mirasi.
34.	Surera.
35.	Thawia

LIST OF DEPRESSED BACKWARD CLASSES

JAMMU & KASHMIR

S No	Names of the Depressed Backward Classes
1	Bekewal, Bakkarwal
2	Badia
3	Bezigar
4	Bhand
5	Bhangi, Khokrob (Sweepers) (excluding those in S C).
6	Barad
7	Banjara Badi Lobana
8	Bangala
9	Bharunja
10	Dheha
11.	Dhobi (Washermen)
12.	Doom, Dooma Ganai/Qusab (excluding those in S C)
13	Dosali
14	Dholwala
15	Fishermen
16	Gaddi
17	Gaudhila
18	Gurjamar
19	Hangie (Manjhi Boatmen and rowing class excluding house-boat owners)
20	Hilka/Mason
21	Jheewar
22.	Kholie
23	Lalli.
24	Madari
25	Mahigir
26	Malyar
27	Mir
28	Mirasi
29	Mochi, Saraj
30	Para
31	Pirna
32	Sansi
33	Shypri Wattal (excluding those in S C)
34	Sapera
35	Sikligar
36	Sangtrash
37	Surimar
38	Yashkun
39	Dheha
40	Gurjarmar.

LIST OF DEPRESSED BACKWARD CLASSES

KARNATAKA

S No	Names of the Depressed Backward Classes
1	Adiya (excluding Coorg District)
2	Agasa, Madivala, Tsakala, Sakalavadu, Shakala, Vannan, Mannan, Dhobi, Parit, Rajaka, Puthirajvannan, Velluthedan
3	Aghore, Karkarmunda.
4	Aranadan
5	Aruthuthiyar
6	Atar
8	Ataari
8	Badaga
9	Bagalu
10	Bagata
11	Baira
12	Bailapatar, Bailaptar, Bikapatar
13	Bajania, Bajonia
14	Bukadra
15	Balasantoshi
16	Bant (excluding Belgaum, Bijapur, Dharwar and North Kanara Distt)
17	Bantu
18	Barda
19	Barlur
20	Bathai, Battal, Batler, Battar
21	Bathini
22.	Battada
23	Bavuri
24.	Bawtar
25	Basigar
26	Beda, Bedaru, Bedar Naik, Bedar, Nayaka, Naika Makkalu, Naikwara, Palegar, Talwar, Valmiki, Valmiki-makkalu, Boya, Vedan, Berad, Ramoshi
27	Bagari, Byageri
28.	Bellara
29	Baria
30	Bestha, Gangamatha, Gangaputra Bhoi, Parivara, Kabbera, Kabbaligar, Bariki, Bariker, Mogaverra, Besthar, Bunde, Besthar, Gangamakkalu, Gowri Matha, Ambiga, Ambig Kharvi, Bhoi Boyi, Thoreya, Harakantra, Kahar, Meenagar Sunnagar, Koli, Gabit, Daavat, Kanet.
31	Bhamta, Bhampta, Paradesi Bhampta, Takari, Uchilian, Rajaput Bhampta
32	Bhaot, Bhatraj Bhatraju
33	Bhardi, Bharagi
34	Bhottidas, Boto Bhattad, Muria Bhottada Sano Bhattada
35	Bhumaao Bhuri, Bhumia Bodo-Bhumia
36	Binapatta
37	Bindili
38	Bingi
39	Bissey, Baranga Jodia, Bennagi, Dadus, Frangi, Bollar, Thoriya, Kollal, Konde, Paranga, Parika Jodia, Sodo and Takora.
40	Bogad Bogadi, Bagodi, Bagadi, Bagdi, Bogodi
41	Budbudki, Budbudkala, Devari
42	Chakrawadya Dasar
43	Chintala
44	Chitrakathi-Joshi
45	Chitra, Chitrakar
46	Chuhar or Chuhra
47	Chaparband (Muslim)
48	Dandasi
49	Dang-Dasar
50	Dasari, Desari.
51	Dhanka including Tadvi, Tataria and Valvi
52	Dher
53	Dhodia
54	Dholi
55	Digwan, Jinger
56	Domba, Dommara, Domba-Audhiya, Domba-Audiniya, Domba-Christian, Domba-Chonal, Domba-Nirgani, Domba-Oriya, Domba-Ponaka Domba-Telaga, Domba.
57	Donga Yerukala
58	Dombidosa.
59	Durgamurga, Burburchal
60	Gadaba, Gadababoda, Gadaba-Garilum, Gadaba-Franji, Gadaba Jodia, Gadaba Olaro, Gadaba Pangi.
61	Gangani
62	Garudi, Garudiga, Modiga, Modikara, Modikar
63	Gadi
64	Ghadsi, Ghadshi.
65	Ghasi, Haddi, Relli, Sachandi, Boda, Ghasis & Sanghasia.
66	Ghisadi.
67	Ghondali, Gondaliga, Ghondali, Gondahalli
68	Giddibidki, Pingle, Pingale
69	Godagari
70	Godari
71	Gogra
72	Golla, Hawu Golla, Dudi Golla, Adavi Golla, Kishna Golla, Handi Golla
73	Gond-Bato, Bhirithya Dubho, Kouria, Bato Jatako & Joria
74	Gondali
75	Goniga.
76	Gudigar
77	Halavakki Vakkal Gramvakkal, Gam-Gowda, Gavada, Karevakkal Attevakkal, Halakivakkal (North Canara Distt.)
78	Halepaik, Deevar, Namadrari, Billava, Kalal, Kumarpaik
79	Haranshikari Chigaribelegar, Vaghri, Wagrrri, Nirshikaro, Bagri, Baori, Phasa, Phasa Chard, Vagri
80	Helva, Helava, Helava Mallar, Helavagolla, Handi Helva, Helvaru, Pitchosuntala
81	Honniyar
82.	Howgar, Hawagar, Howadiya.
83	Jadapu
84	Jaggale
85	Jatgar
86.	Javeri, Jawari
87	Jogi, Joger Sanjogi
88	Kadan
89	Kalloda
90	Kammar Kumbhar (where they are not S I)
91	Kanjar, Kanjari, Kanjir, Khangarbhat.

S. No.	Names of the Depressed Backward Classes
92.	Kanisan.
93.	Kapumari
94.	Kari Kudumbi
95	Karimpalan
96.	Kashikaffi, Kashi-Kapadi, Tirmali.
97	Katabu, Katabar
98	Katipaula.
99	Kavadi
100	Kelkari, Khelkari
101	Khiiarger, Marathi Dhanagar
102.	Kolla, Kollah
103	Kolthats, Kolthating
104	Komakapu
105	Konda Dhora, Kondh Desaya, Kondh Dongria, Kondh Dongria, Kondh Kuttiya, Kond Tikiriya, Nokka Dhroa, Manna-Dhora, Makka Dhora.
106	Konkna Yenity
107	Kunchi Korwar, Kaidadi, Koraggar Yerkala, Erakala, Kunchi Korva, Koramasetty, Yerukala
108	Kotari, Kottari
109	Kotia-Bartika, Bonth-Oriya, Dhulia, Dulia, Holva Paiko, Putiya, Sanrona and Sidho-Paiko
110	Koyava
111	Kudubi
112.	Kurui Kuruboru, Halamath
113	Kudubi Koyi.
114	Kurichchan
115	Kurubar, Kurub, Kurab, Kuruba
116	Ladar, Lad, Ladaru, Yelyar
117.	Lippara.
118	Mahasari
119	Maidhasi.
120.	Mali, Korchimale, Paikomali and Pedda Mali.
121.	Maniyani, Muniyani
122.	Mitha Dyyalvar
123	Mondiwar, Mondiwaru
124.	Monduvar, Muduvan.
125.	Medu Medar, Buruk.
126	Muliya.
127	Muria.
128.	Nat, Natuvan
129	Naiki
130.	Nayinda, Nayanaja-Kshathriya, Hajjam, Nhavi, Nadig, Ambattan, Mangala, Kelasi, Kshowrad, Kshowrik, Navaliga, Napitna, Bhandari, Panikkan, Kavathiyan
131	Nelakanavaru
132.	Otare
133	Pacha Bhatla, Pacha Botla
134	Padampari.
135	Padarti.
136	Padia, Padiyar
137	Pagadai.
138.	Paigarapu
139	Painda
140	Paky
141	Palasi.
142	Pamide
143	Pamula
144	Panabas
145	Pannan
146.	Panasa, Pansa.
147.	Panika.
148	Patra, Patramela
149.	Pentia
150	Pichati
151	Pichari
152.	Pichasunta, Pichiguntala, Pichuguntala
153	Pomla
154	Parjas, Bonda, Daruba, Didua, Mundile, Pengu, Pundi and Saliya, Poroja, Boda-Poroja, Sodia Poroja, Jodia Poroja and Parenga Poroja
155	Powara
156	Pulayan
157.	Pullavan
158	Rawal, Ravalia, Paul
159	Rawat, Raya, Rewath
160	Reinudas.
161	Relli Orachanji
162	Rona
163	Sadhumatha
164	Sangare.
165	Santal
166	Saniyar
167	Sansi.
168	Sansia
169	Saara
170	Sare
171	Sarodi, Sarada
172	Sarania
173	Satarkar
174	Savara, Kapusavara, Kuttusavara, Maliya Savara
175	Semman
176	Shingdevor Shingadya
177	Shikkaligar
178	Sholagar
179	Soliga.
180	Sunna, Sunnai.
181.	Surva
182	Tachavira
183	Takankar
184	Talavia
185	Thottia Naik
186	Thotawadu
187	Tilari, Tirate
188	Timali.
189	Tiruvalluvan
190	Turi
191	Uppaliga, Uppara, Uppaliyan, Mannu-Uppar, Gavandi, Gavandi, Goundi, Veldar, Sagara, Chunar, Lonari, Melusakkare, Agri, Lama
192	Vadi.
193	Vaghri
194	Vaidu
195	Valayar.
196	Valve
197	Vathiriyan
198	Vitholia
199.	Yandi
200	Yeklar, Yeklar, Yekkali, Egalika
201	Yeralu
202.	Yerasolawadortheila, Pamalwada
203.	Yenadiwad
204	Hondi Golla.

LIST OF DEPRESSED BACKWARD CLASSES

KERALA

S No	Names of the Depressed Backward Classes
1	Agasa
2	Alavan
3	Ambalakkaran
4	Arupattun
5	Amblar, Ambathan, Ambithan, Eshavatory, Kalrrikurup, Muruthuver, Naiken, Pandithar Villakkithalanavi.
6	Arayan
7	Arayavathis
8	Aremaharti
9	Badaga
10	Bagata
11	Bendari.
12	Bariki
13	Battada
14	Bavuri
15	Bhillava
16	Bhottadas-Bodo-Bhottada, Muria-Bhottada and Sano Bhottada.
17	Bhumias-Bhumia and Bodo Bhumia
18	Bissoy-Barangi, Jodia, Bennangi Bollar, Daduva, Frangi, Jhoriya Kollai, Konda, Pranga, Ponga. Jodia, Sodo Jodia and Takora.
19	Byagari
20	Chachati
21	Chackaravar
22	Chakkala
23	Chalavadi
24	Chavalakkaran
25	Chenchu.
26	Dandesa.
27	Dandasi
28	Dheevara
29	Dom, Dombara, Paidi or Pano
30	Dombo
31	Domb-Andhiya Dombs, Audiniya Dombs, Chonel Dombs, Christian Dombs, Mirgani Dombs Oriya Dombs, Ponaka Dombs, Telgaga Dombs and Ummia Dombs.
32	Ezhava
33	Eshavathi
34	Eshuthachan
35	Gadabas-Boda Gadaba, Cellan Gadaba, Franji Gadaba, Jodia Gadaba, Olaro Gadaba, Pangi Gadaba Pranga Gadaba
36	Gatti
37	Ghasi or Haddi, Relli, Sachandi
38	Ghasis-Boda Ghasis and Sen Ghasis
39	Godari
40	Gond
41	Gondi Modya Gond and Rajo Gond
42	Khond
43.	Kitaran.
44	Kodalo
45	Kodu
46	Kond Danoara
47	Konda Dora
48	Kond (Kui)
49	Kondha-Dessya Kondha Kongria Kondha, Kuttiya Kondha, Tikiria Kondha and Yenity Kondha
50	Kongu Malayan
51	Korachas (or Koravar or Yerukala)
52.	Kosalya Goudu, Bosothoriya Goudu, Chitti Goudui, Dangayath Goudus, Doddu Kamariya, Dudu Kamaro, Kadiya Gouds and Pullscriya Goudus
53	Kotoyar
54	Kotia-Bartika, Beatho Oriya Dhulia or Dulia, Holva Paiko, Putiya, Senrona and Sidho Paiko
55	Koya or Goud with its sub-sects Raj or Rasha Koyas, Kottu Koyas and Lingadhari Koyas
56	Koyi
57	Krishnanyoka
58	Kudubi
59	Kudumbi
60	Lambodi, Banjara, Subali
61	Madara
62	Madari.
63	Madiga
64.	Madivala
65	Magatha Goddus-Birnia Goudus Boodo Magatha, Dongayath Goudus Ladya Goudu, Poana Magatha and Sarna Magatha
66	Mala Dasu
67	Malas or Agency Malas Valmikies
68	Mala Pantaram
69	Mala Pulayan, Karavali Pulayan Kurumba Pulayam and Panbu Pulayan
70	Malayakandi
71	Malis, Korchis Malis, Palkomolis and Pedda Malis,
72	Malla Malasar
73.	Manna Dhora
74	Marakkan
75	Marathi, Marati
76	Medara
77	Magaveera.
78	Mukkuven, Mukaya
79	Muliya
80	Muria.
81	Muria Bhottada
82.	Nadar
83	Naikkan
84	Nattu Malayana
85	Nulayan
86	Onamsica
87.	Pagadai.

S No	Names of the Depressed Backward Classes
88.	Paidi.
89	Pargarapu
90	Pamda.
91	Pahy
92	Palasi
93.	Panidi.
94	Panniyar
95	Pano
96	Pattariyas
97	Pantias.
98	Perunkollons
99	Porja-Boda, Bonda, Daruva, Didava, Jodia, Kundili, Pengll, Phdi and Saliya
100	Poroja
101	Porogas Bodo, Prooja or Sodia, Sano Poraja, Jadia Poroja and Pareng Proja.
102.	Pulava
103	Pal'uvaw
104	Po[illegible] or Sachandi
105	R[illegible]a
106.	Sakaravar (Kavathi)
107	Sacra.
108.	Sapari
109	Savara.
110.	Savaras-Kapusavaras, Khutto Savaras and Maliya Devaras.
111	Sanai Thalavar (Elavaniar)
112.	Sholaga
113	Sholagar
114.	Thanta Pulayan.
115	Thiyya
116	Tholko Laus
117	Thontoman
118	Thettia Naick.
119	Thottian
120	Toda
121	Valmiki
122	Valaan
123	Voluthadathu Nai (Veluthedan and Vennathan)
124	Vilathethal Nair (Velakkithalavan).
125	Vottakkaran.
126	Yadavan (Idayan)
127	Yanudi.
128.	Yarukula

LIST OF DEPRESSED BACKWARD CLASSES
MADHYA PRADESH

S No.	Names of the Depressed Backward Classes
1	Adidharmi
2.	Adhori
3.	Aheri
4	Asara
5	Athiya.
6.	Audhia, Avadhi
7	Audhiya.
8	Badak
9	Badaka
10.	Badi.
11	Baghia, Baree, Bawar, Payak, Vaidyanai
12	Bajgar, Bajigar
13.	Bahurupi
14	Bairagi.
15	Banjara, Banjari Labana, Bamania Banjara, Mathura Banjara
16	Baoria.
17	Barasa, Labana, Labhan, Lamame, Mathura, Nayakda,
18	Barad.
19	Bargi
20.	Bari
21.	Baria
22	Barhunda
23	Bavor
24	Bawaria.
25	Bajania, Kannatia
26	Bemariha
27	Beria.
28.	Ghadi-Waddar, Matti-Waddar Waddar, Ode, Odiya.
29	Bhaduja
30	Bhadre
31	Bhadre
32	Bhaduria.
33	Bhamta, Bhamti, Bhanmate, Bhanta, Bhanmate
34	Bhand
35.	Bhantu, Sansi
36	Bharari.
37	Bharbhuja
38	Bharewa
39	Bharai-Bharaihar
40	Bharud
41	Bhoi
42	Bhoyar
43	Bhujwa
44	Bhutia
45	Bhurtiya
46	Bidakia
47	Badia, Sapera
48	Bijoria
49	Choongar
50	Chunkar
51	Dabgar.

S No	Names of the Depressed Backward Classes
52	Dafali, Dholi
53	Dahez
54	Dana
55	Dhakad, Bhandari Nagar Singhavi Talaya
56	Dhankia
57	Dhangar, Gadri, Gadaria, Hatgar, Hatkar Kumar, Pal Bagala
58	Dhimer, Bonmu, Banawar Bhoiji, Dhimar, Kewat, Raikar, Raikwar Saintari
59	Dhirkar
60	Dhiwar, Britia Navada, Ezingabhui
61	Dhobi (including those in S.C)
62	Dhunkar, Kadore
63	Gadri, Gari
64	Gahamandi
65	Gandia
66	Ghariya
67	Ghati, Ghare
68	Goehaki
69	Godhi
70	Gondhali
71	Gontia
72	Gowtia
73.	Habura
74	Hajjam.
75	Jhamral.
76	Jhari
77	Jingar
78.	Jogde
79	Jogi
80	Joginath.
81	Kadera, Karnwal
82	Kadore
83	Kahar
84	Kaikari
85	Kalar
86	Kamriya
87	Kandera
88	Kaner
89	Mangar Batwal
90	Kauri, Kori
91	Khamgara
92	Kharol Telugu-Munar, Beldar Ghara
93	Kharwar
94	Kirad
95	Krar, Dhakar
96	Kodar
97	Koria
98	Kotil
99	Kulbandhiya
100	Kunjra
101	Kutwar

S. No	Names of the Depressed Backward Classes
102	Lonia, Lunia, Nunia, Nonia
103	Mali, Marar
104	Madgi
105	Majhabi
106	Mala
107	Mallah
108	Manga
109	Manjar
110	Maru Sotiya
111	Mauria
112.	Mavi
113	Meru
114	Mewati
115.	Mhali, Naim Navi, Nhavi.
116	Naik, Nom
117	Naita, Nayata.
118	Namsudra.
119	Nath
120	Navda
121	Neria
122	Nerali
123	Nilgar
124	Otari
125	Pahar
126	Palhari
127	Panwari
128.	Parashar
129	Parthi
130	Patka, Patki
131	Patwa, Pathakar Sipiya
132	Payak
133	Perki
134.	Putligar
135	Rajgir
136	Rajgond
137	Rautia
138	Rawal
139	Rawat, Bedar, Gahira, Rast, Rawar, Thethwai
140	Rhar
141.	Rohade, Sujharia.
142.	Ruch bandhia
143	Saranjia
144	Sarbhangi
145	Sharia
146	Sikligar
147	Singiwala
148.	Siyane.
149	Sondhiya, Chandel
150.	Thami
151	Thoti, Burud
152	Thanwar
153	Thori
154	Thuria
155	Tirgar
156	Tirmale
157	Tirwalli.
158	Turha
159	Wanha
160	Yerkilwar, Yerkula

MAHARASHTRA

LIST OF DEPRESSED BACKWARD CLASSES

S No	Names of the Depressed Backward Classes
1	Agri, Agala or Kalan
2.	Ahitkar.
3	Atar
4	Audhiya
5	Bedak
6.	Badia
7	Bagalu
8	Bagdi (Gujarati Boori, Marwar Boori, Marwar Waghri, Salat Waghri)
9	Bajania
10	Bahurupi.
11	Bajigar
12	Balasanthanam
13	Bandi
14	Banjara, Banjari Vanjara, Mathura Banjaras (A) Goar Banjars, Lambada/Lambara, Lambhani, Charan Banjarao, Labhan, Mathura Labhan, Kachikiwale, Sanjaros, Laman Banjaras, Laman/Lamani, Laban, Dhali/Dhaia Dhadi/Dhari, Singaris, Navi Banjaras, Jogi Banjaras, Banjari
15	Bantu
16	Baoria
17	Baria, Koli Bari
18	Bathini
19	Bavcha
20	Bagari, Bedar, Borad, Beldar
21	Beldar/OD
22	Naikawadi, Talwar, Walmiki
23	Bastar, Sanchaluwaddar.
24	Bhadbhunja.
25	Bhampta or Ghantichote or Pardesi Pong, Baser Uchale
26	Bhand
27	Bhanta
28	Bharadi, Balasantoshi, Kinggriwale, Nathbava, Nath Jogi, Nath Panthi
29	Bhavaiya or Targala.
30	Bhina Koya
31	Bhoi, Kharvi, Dhiwar Bhoi, Zinga Bhoi, Pardeshi Bhoi, Raj Bhoi, Bhoi, Kahar, Tadia Kahar Kirat, Machwa, Manzi, Jatia, Kewat, Dhiwar, Dheewar, Dhimar, Palowar, Mechhendra, Navadi, Malhar, Malhav, Gadhav Bhoi,, Khadi Bhoi, Khare Bhoi, Dhevra, Dhuria Kabar
32.	Bhisti or Pakhali
33	Bhoyar (Pawra)
34	Bhuta, Bhopa
35	Sindli.
36	Burbook
37	Burud, Madar
38	Buttal
39	Chadar.
40	Chamtha.
41.	Chandal
42	Chandalagade
43	Chemchu or Chanchwar.
44	Chintala.
45	Dabgar
46	Dakaleru
47	Dasar Dangdidas.
48	Dapala.
49.	Devari, Gosavi, Nath, Panthi
50	Devli
51	Dhangar, Kruba, Kurubar
52.	Dhar
53	Dhimar, Dhivar, Gabit, Harkantra, Mangali, Mangale, Page, Sankuri
54	Dhobi, Parit, Watts, Madwal, Rajak.
55	Dholi
56	Dommara
57	Gutgudi
58	Gadaba or Godba.
59	Gadaria.
60	Gadri.
61	Gadhavi
62	Ganali or Gandali.
63	Gandharap
64	Gangani
65	Garodi
66	Garpageri
67	Garvdi.
68	Gavandi
69	Ghandshi
70	Ghisadi, Ghisadi, Lohar, Gadi Lohar, Chitodi Lohar, Rajput Lohar
71	Gosavi Bava, Dairgai, Bharati, Girigosavi, Bharati Gosavi, Saraswati Parbat, Sagar, Ben or Ven
72.	Gujarath Baori
73	Habura
74	Halipaik.
75	Halve, Hilav
76.	Jatigar
77.	Jatiya
78	Jhadi.
79	Jingar
80	Jogi, Nath, Nathjogi
81	Jogin
82.	Budidki, Damruwale, Kudmude, Madhangi, Sarodo, Sahdev Joshi, Sarvade, Sarode
83	Kenchoro
84	Kadera
85	Kaikadi (or Korach) Dhontle, Korve or Kochi Korva, Makadwale, Padler Korvi, Kuchbauda, Gharo

S. No.	Names of the Depressed Backward Classes
86	Kandel.
87.	Kanjar Bhat, Chhera, Kanjar, Nat.
88	Kapdi.
89	Katabu.
90	Katipamul
91	Kharwa or Kharwi.
92.	Kolhari, Dombari
93	Koraoha or Yerkula or Korva.
94	Korchar
95.	Korwa including Kodaku.
96	Komakapu.
97.	Kongadi
98	Kuchhria.
99	Kurmar
100	Lonari, Chunari
101	Machhi, Tandel
102.	Mahali, Mahli
103	Mahil.
104	Mirasi
105	Mairal, Dangat, Vir
106	Majhwar
107	Marwar Bouria
108	Masanjogi, Sadgadsiddha, Mapanjogi.
109.	Mina.
110	Mitha
111.	Mondiwar, Mondiwaru
112	Munda.
113	Namdhari, Paik.
114	Navi Nhavi, Hajam, Kalaseru Navaliga, Kalashi, Nambik, Nai, Narrbhilish
115	Neeli
116	Nirshikari
117	Nonia.
118	Pachabhotla, Pachabotla.
119	Padharia.
120	Padiar
121	Padampari
122	Pakhali, Bhisti
123	Pal Pardhi.
124	Panchama.
125.	Pangul.
126	Panka.
127	Parki
128.	Phudgi.
129	Pachbandhia
130	Rachevar
131	Rachkoya.
132.	Raikari
133	Raj Pardhi, Gaon Pradhi, Haranshikari
134.	Rajput Bhamta, Pardeshi, Bhamta, Pardesh Bhamti
135.	Ramoshi
136	Raot, Rautia, Rawt
137	Raval, Raval or Raval Yogi
138.	Sanjogi
139	Santal
140	Sapera
141	Sarania.
142.	Sanji
143	Shingdev or Shingadhya
144	Sikkalgar, Katari.
145	Singiwala
146	Sore
147	Takankar
148	Talwar Kanade
149.	Targala.
150	Thelari
151	Thetwar
152.	Thotewadu
153	Thoria.
154	Timali
155	Vaghri.
156	Vaghari, Salat, Salat Vaghri
157	Vaidu
158	Vaiti.
159	Valvai
160	Waddar, Wadders (Kalawaders or Patharods)
161	Warthi
162	Yanadi
163	Yenadiwad
164	Yeragolawad or Thella Pamalawade

LIST OF DEPRESSED BACKWARD CLASSES

MANIPUR

S. No	Names of the Depressed Backward Classes
1	Bansphor
2	Bhumij
3.	Boro, Bore Kachari
4	Dafla.
5	Damai (Nepali).
6	Deoria.
7.	Dugla, Dholi
8	Gara.
9	Hajong
10.	Hira
11	Jhala, Malo.
12.	Kaibartta, Jaliya.
13	Khasi.
14	Khuangsal
15	Kuki.
16	Lalbagi.
17.	Lalung.
18.	Liamei-Naga.
19	Mahara.
20	Mali, Bhuimali, Bhuinmali
21.	Mech.
22	Mehtar, Bhungi
23	Mikir
24	Miri.
25	Mishmi
26	Munda.
27	Naga.
28	Napit, Nai
29	Oraon.
30	Rabha.
31	Sahte.
32.	Santal
33	Singpho
34	Synteng.
35	Tipera.

LIST OF DEPRESSED BACKWARD CLASSES

MEGHALAYA

S No	Names of the Depressed Backward Classes
1	Bhumij.
2.	*Boro-Kachari*
3	Choudang.
4	Chutrya.
5.	Dey, Sudra Das
6	Gorkhali.
7	Moran, Matak.
8	Mukhi
9	Nepali, (Damai, Gaine, Gurung, Lama, Limbu, Lohar, Newar, Rai, Sarki, *i.e.*, Cobbler, Thapa)
10.	Rabha
11.	Saloi.
12.	Sut.
13.	Tipara.

LIST OF DEPRESSED BACKWARD CLASSES

ORISSA

S. No	Names of the Depressed Backward Classes
1	Adi-Dravida.
2	Adi-Karnataka
3.	Aghana, Agana, Aghna
4	Ajila
5	Aranedan
6	Arunthuthiyar.
7.	Asur
8	Badasuda
9.	Badaga
10	Balpari.
11	Bara.
12	Bakuda
13.	Banka
14	Bandi
15	Barika, Bhandari, Beja, Napit and Nai.
16	Battada
17	Bellara
18	Bentkar
19	Betero or Betra
20	Bhatua
21	Bhogta.
22	Bhokta.
23	Bhujan.
24	Bhuliya
25	Birjhia
26	Bissoy-Barangi Jodia, Bennangi, Daduva, Frangi, Hollar, Jhoriya, Kollai, Konde, Paranga, Pengajodia, Sodo Jodia and Takoara.
27	Binedhany
28	Bogada
29	Bolodhia
30	Butakusuda.
31	Buruashankar/Barna Suarkar, Beja
32	Chakkiliyan
33.	Chalavadi
34	Chero.
35	Cheruman
36.	Chikbaraik.
37.	Chik.
38.	Chitra, Chitrakar
39	Churia.
40	Dahalia.
41.	Damal
42.	Dangua.
43	Deons.
44.	Dehari
45	Dhakkada
46	Dhaner
47	Domb-Andhiya Dombs, Audiniya Dombs, Chonel Dombs, Christian Dombs, Mirgani Dombs, Oriya Dombs, Ponaka Dombs, Telega Dombs and Ummia Dombs.
48	Dumala, Dumal
49	Ghatwar
50	Gingin
51	Gingra
52	Godda
53	Gondi-Modya Gond & Rajo Gond.
54	Gondu-Bato, Bhurthya, Dudho Kouriya, Hato, Jatako & Joria.
55	Habra.
56	Hansi.
57	Hasla.
58	Holeya.
59	Irula.
60	Jadapus.
61	Jambuvulu.
62	Jaintrapans.
63	Jhodia.
64	Jogi or Yogi.
65.	Kadan.
66	Kalladi
67	Kalwar.
68.	Kandarpa.
69	Kanjar.
70	Kaniyan.
71	Kapudia
72.	Karhara
73.	Karimpalan
74	Karmali.
75	Kattunayakan.
76.	Khaira.
77	Khandnals
78	Khanjiman.
79	Khatti.
80	Khatua
81	Khondal.
82.	Khodra.
83.	Kora, Juda.
84	Koilar
85	Kolam
86	Komar
87	Kond (Kul)
88	Kondhs-Desaya Kondhs, Dongriya Kondhs, Kuttiya Kondhs, Tikiria Konds and Yanity Kondhs
89	Koosa
90	Koraga.
91.	Kosalya Goudus, Bosothe Riya Goudus, Chiti Goudus, Dangayath Goudus, Doddu Kamariya, Dudu Kamaro, Ladiya, Goudus & Pullo Soriya Goudus.
92	Kota
93	Koyi
94	Kudiya.

S. No.	Names of the Depressed Backward Classes
95.	Kudubi.
96.	Kudumban.
97	Kuli, Koli.
98.	Kunduma/Kuduma.
99.	Kundamatia.
100.	Kulta,
101.	Kurariar.
102.	Kuravan
103.	Kurichchan,
104	Kuruman (Kurumba).
105.	Laher.
106.	Lakhra.
107	Lambadi.
108	Luhura.
109	Machua
110.	Maghi or Meghia.
111	Magura.
112	Mahunta.
113.	Malla.
114.	Maladasu,
115	Malasar.
116.	Malis-Korchia Malis, Pado Malis & Pedda Mali.
117.	Mal Paharia
118.	Mangli.
119.	Matangi.
120.	Navilan
121	Minka.
122.	Moger.
123.	Mukhadora-Mokka Dhora.
124	Kuliya.
125.	Mundala.
126	Muria.
127	Nat.
128	Nayadi.
129.	Nolia.
130	Nuhura, Nuhuraj.
131	Nuniya.
132	Omeyita
133.	Padaria, Pamaria, Pandara
134.	Pagadai
135	Paigarapu.
136	Paiko.
137.	Paky.
138.	Palasi.

S No.	Names of the Depressed Backward Classes
139.	Paliyan
140	Pallan
141	Pulayan.
142.	Pambada
143	Paniyan.
144	Panjira.
145	Pannandi.
146	Parayan.
147.	Paravan
148	Parhaiya.
149.	Pathuria.
150	Pengua.
151	Pita
152	Porjas-Bado, Bonda, Daruva, Didva, Jodia, Mundil, Sano, Pengu, Pydi, Saliya, Sodia and Pareng.
153	Rajwar
154	Raneyar.
155	Ronas
156	Routia.
157	Sagarpasha
158	Semban.
159	Sankhari.
160	Savara-Kapu Savaras, Khutto Savaras, Mallya Savaras.
161	Semman.
162	Sholagar
163.	Saunia Paharia.
164	Sinkea.
165	Sud.
166	Sulia
167	Sundi.
168	Tans.
169	Thanu.
170	Thatari.
171.	Thoti.
172	Thuria
173.	Tiyar.
174.	Toda
175.	Tonla Gaul
176	Valluvan
177.	Veltuvan
178.	Vina Tulavina
179	Yandi
180.	Yerna Golla.
181.	Yerukula.

LIST OF DEPRESSED BACKWARD CLASSES

PUNJAB

S No.	Names of the Depressed Backward Classes
1	Aheria, Aheri, Heri, Naik, Thori, Turi
2.	Bagria, Bagaria
3.	Barai, Tarboli, Tamboli.
4	Barwar
5	Bateri
6	Beria
7	Barrer
8.	Beta, Hensi, Hesi.
9	Bharbhunja, Bharbhuja
10	Bhari, Rode
11	Bhuhalia
12	Chahang.
13	Daiya
14	Dakaut, Dabkaut.
15	Daoli, Deola.
16	Daula, Soni-Braderi.
17	Dhenwar
18	Dhimar, Dhiwar, Dhinwar, Jheevar, Jhinwar, Kahar, Kashyap, Rajput, Mallah.
19	Dhobi, Quassab.
20	Dhosali, Dosali.
21	Gadderia, Gadaria
22	Gaddi, Guddi.
23	Ghasi, Ghasiara. Ghosi.
24	Harni
25.	Jogi, Nath
26	Kanjar, Kanchan
27	Kehal.
28	Kuchband, Kuchhband.
29	Lobana, Banjara, Vanjara.
30	Madari
31	Mirasi
32	Mochi (excluding those in S.C).
33	Nai, Banvaru, Dhauwal, Dhari, Ghangas, Ghiri, Hajjam, Hazam, Hergun, Jallan, Lekha, Nagi, Naiekh, Palan, Panju, Patara, Raja.
34	Shorgir.

LIST OF DEPRESSED BACKWARD CLASSES

RAJASTHAN

S. No.	Names of the Depressed Backward Classes
1	Ager
2	Asada.
3	Badera, Baoria
4	Bagdiya, Bawaria.
5	Baked, Bant.
6	Banchada
7	Banjara, Gawaria, Kangiwala, Kangi, Baladia, Sirki-wala, Labana, Labhana, Maru Banjara, Bamama Ban-jara, Bayora, Digora.
8	Barahar, Basod.
9	Barar
10	Barda, Dhua.
11	Bargunda.
12	Basor
13	Bhampta, Ghantichor, Pardasi-Bhampt
14	Bhanumati
15	Bharud.
16	Chakrawadya-Dasar.
17.	Chalvadi, Chamnayya
18	Chamana
19	Cheeta.
20	Chene-Dasaru
21	Chenna-Desar, Holaya.
22	Chidar
23	Dakot, Garo, Gakudia
24	Dakalaru.
25	Damami
26.	Dhadi.
27.	Dhakad Dhanak Dhanaka, Dhanuk Gokhi.
28	Dhanchi
29	Dhimar
30	Dhobi.
31	Dholi
32.	Dhodia.
33	Dhor, Kakkayya, Kankayya
34	Dubla.
35	Gadaria, Chandalia, Gadaria, Gavala, Ghosi, Kabiria
36	Gadolia.
37	Gamit, Gamta, Gavit (including Mavchi, Padvi, Vassva, Vasava and Valvi).
38	Gond
39	Halleer
40	Halsar, Haslar, Hulgavar, Halsavar.
41.	Halalkhor.
42	Helar
43	Holar, Valhar.
44	Holaya, Holer.
45	Kahar, Shoi
46	Kaikadi, Korech
47	Kandera.
48.	Kanvi.
49.	Keer.
50.	Khant.
51	Kharol.
52	Kirar
53.	Kul.
54	Koli-Mahadev
55	Korku
56	Malhar
57	Merasi, Miras
58	Mehara
59	Moghia
60	Mogia.
61	Mukri.
62.	Nadia, Hadi
63	Nath, Jogi
64	Naik.
65.	Nat, Natsansi
66	Manya
67	Odd.
68	Pardhi (including Adwishincher and Phanse-Pardhi)
69.	Patwa (Phadal)
70	Pomla.
71.	Powara.
72	Raika.
73	Rawat.
74	Rebbari.
75	Sad-Sausi (Sehar).
76	Sarabara
77	Sakka.
78	Sikligar, Gadi Lohar
79	Sirkiwala
80	Sonsi.
81	Timali
82	Varli.
83.	Ved.
84	Waghri.
85	Zemrol

LIST OF DEPRESSED BACKWARD CLASSES

SIKKIM

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Bajel.	6.	Suba.
2.	Gurung.	7.	Sunar.
3.	Limboo. Limbu.	8.	Tamang.
4.	Mongar	9.	Tsong
5.	Rai.	10.	Yakthungba.

LIST OF DEPRESSED BACKWARD CLASSES

TAMIL NADU AND PONDICHERRY

S. No.	Names of the Depressed Backward Classes
1.	Ampattan.
2.	Arayan, Arayar (Nulayar).
3.	Badaga.
4.	Badagar.
5.	Bagata.
6.	Bariki.
7.	Bettada.
8.	Bavuri.
9.	Beetha. Siviar.
10.	Bharatar.
11.	Bhatraju (other than Kshatriya Raju).
12.	Bhotladas-Bodo Bhettada, Muria Bhottada & Sane Bhottada.
13.	Bhumias-Bhuri Bhumia and Bodo Bhumia.
14.	Billava.
15.	Bissoy-Barangi Jodia, Bannagi. Daduva, Frangi, Mollar, Jheriya. Kollai, Konde, Paranga, Panga-Jodia, Sodo Jodia and Takore.
16.	Bondil.
17.	Boyar, Oddar.
18.	Boya.
19.	Budabukhala.
20.	Byagari.
21.	Chanchati.
22.	Chavalakkaran, Chavalakkarer.
23.	Chenchu.
24.	Dasari.
25.	Dandasi.
26.	Dhakkada.
27.	Dhobi, Vannan.
28.	Domba.
29.	Domba-Andhiya Domba. Chonel Domba, Oriya, Domba, Poneka Domba, Telaga Domba and Ummia Domba.
30.	Dommara.
31.	Donga Vata.
32.	Dudakula.
33.	Enadi.
34.	Eravallar.
35.	Ezhavathy.
36.	Ezhuthachar.
37.	Ezhyva.
38.	Gadabas, Boda Gadaba, Garllas Gadaba. Olarao Gadaba and Frangi Gadaba, Jodia Gadaba.
39.	Gangavar,
40.	Ghagi, Haddi. Relli and Sachandi.
41.	Godari.
42.	Gond.
43.	Goudu. Bato. Bhirithya, Dudhokouria, Hato, Tatake & Jori.
44.	Hasla.
45.	Hill Puleya.
46.	Holve.
47.	Ilovan.
48.	Jodapue.
49.	Jambuvanodai.
50.	Jatapua.
51.	Jogi.
52.	Jogula.
53.	Kabbore.
54.	Kadan.
55.	Kadupattar (Malabar).
56.	Kakkalan.
57.	Kaladi.
58.	Kani or Kanisu or Kaniyar Panikker.
59.	Kanikaran. Kanaikar.
60.	Kanjar.
61.	Kannakan, Padanna.
62.	Kapumarie.
63.	Katesar or Pattamkatti.
64.	Kavara.
65.	Kavathi.
66.	Kavuthiyar.
67.	Kerala Muthali.
68.	Kharvi.
69.	Khond.
70.	Kondalo.
71.	Kodu.
72.	Kolalar, Devar, Thevar.
73.	Konda Dhera.
74.	Konda (Kui).
75.	Kondha-Besaya Kondha, Dangria Kondha, Kuttiya, Kondha, Tikiria Kondha and Yamity Kondha.
76.	Kootan, Koodan.
77.	Koracha, Koravar, Yerukale.
78.	Koselya Goudu. Bosotholya Goudu, Chith Goudu, Dangayath Goudu, Doddu Kammariya. Dudu Kamaro, Laddiya Goudu & Fullo Soriya Goudu.
79.	Kote.
80.	Koteyar.
81.	Kotia-Bartika, Bantho, Oriya, Dhulia or Dulia, Holva Paiko, Putiya, Sanrona & Sindho Paiko.
82.	Koya or Goud (with its subsects Raj or Resha Koya, Linga Dhari Koya (ordinary) and Kottukoya.
83.	Koyi.
84.	Krishnaveka.
85.	Kubbora, Kukuvan.
86.	Kudubi.
87.	Kudumbi.
88.	Kurumba.
89.	Kurumbarava.
90.	Kuravar.

S. No.	Names of the Depressed Backward Classes
91.	Lambadi, Banjara, Lambadi Sugali.
92.	Magatha Goudo, Barnia Goudu, Boodu Magatha, Dongayath Goudu, Poone Magetha, Sana Magetha and Yadya Goudu.
93.	Mahandra, Medara.
94.	Mala Dasu.
95.	Malapantaram.
96.	Malapulayan, Kurumbapulayan, Koravalipulayan, Pambupulayan.
97.	Malayavayan.
98.	Malayali.
99.	Male.
100.	Mali, Korchia Mali, Pako Mali and Padda Mali.
101.	Manne Dhora.
102.	Mannan, Vannan, Pathiyar.
103.	Marakkan.
104.	Maramori, Gramani.
105.	Marathi.
106.	Maruthuvar, Navithar.
107.	Mauna.
108.	Madara.
109.	Moniagar.
110.	Mukkuvan, Mukkuvar.
111.	Mukha Dhora, Nooka Dhora.
112.	Muliya.
113.	Muria.
114.	Gramani, Shanar, Nadar.
115.	Nakkala.
116.	Naikkar
117.	Narikeravar.
118.	Nokkare
119.	Nulayan.
120.	Paidi.
121.	Paigarapu.
122.	Paky.
123.	Palasi.
124.	Pamidi.
125.	Pamulu.
126.	Panan
127.	Panar.
128.	Panikkan.
129.	Pano.
130.	Paravan Paravar. Kabbora. Pavatharajakulani, Pattanavan.

S. No.	Names of the Depressed Backward Classes
131.	Pariyas (Vengur and Vappur).
132.	Parkavakulam Suruthinar, Malayamar, Nathamar.
133.	Pathiyan.
134.	Patia.
135.	Poraya.
136.	Porjas or Poraja-Boda, Bonda, Daruva, Didus, Jodia, Mundili, Parang, Pyadi, Salliya, Sonand sodia.
137.	Pulluvan, Pulluvar.
138.	Pusuale.
139.	Relli, Sachndi.
140.	Rona.
141.	Eakkarauar (Kavathi).
142.	Saora.
143.	Savara Kopu Savara, Khutto Savara & Maliya Savara.
144.	Telega, Pamula, Paddati Golla.
145.	Thandan.
146.	Thantapulayan.
147.	Thavar.
148.	Thiyya.
149.	Tholuva, Naicker and Vetalakara Naickar.
150.	Thondaman.
151.	Thoriyar.
152.	Thottai Naicka.
153.	Thottiya Naicker (including Gollavar, Silavar, Raja-kambalam, Thockalavar and Tholuva Naickar).
154.	Toda.
155.	Ulladan.
156.	Ullatan.
157.	Uppars (Upplillia Segara).
158.	Urali Gounders.
159.	Valan.
160.	Valaiyar.
161.	Valmiki.
162.	Vannan (Mannan. Bathiyan).
163.	Vannar, Rajakula Valuthadar (where the community is a S.C. Agasa Madivala Mali).
164.	Valiayar.
165.	Valuthadanayar, Valuthanathwnayar.
166.	Vedar.
167.	Vetan.
168.	Yanady.
169.	Yanadi.
170.	Yavana.
171.	Yarukula.

LIST OF DEPRESSED BACKWARD CLASSES

TRIPURA

S. No.	Names of the Depressed Backward Classes
1.	Agaria, Agariya.
2.	Asur.
3.	Badyakar, Dhuli, Nagarchi, Sabdakar.
4.	Bahelia.
5.	Baishnab.
6.	Baiti.
7.	Banjogi.
8.	Bauri.
9.	Bedia, Bediya.
10.	Beldar.
11.	Berua.
12.	Bhakta.
13.	Bhar.
14.	Bhinhar.
15.	Bhumij, Bhmij.
16.	Bin.
17.	Bind.
18.	Binjhia.
19.	Birhor.
20.	Chouhan.
21.	Dalu.
22.	Damai.
23.	Desali.
24.	Dhemaru.
25.	Gangin.
26.	Ganju.
27.	Gara.
28.	Gareri.
29.	Goala.
30.	Gonda.
31.	Gonrhi.
32.	Gorang.
33.	Gunar.
34.	Gundi.
35.	Guri.
36.	Hadi.
37.	Halalkhor.
38.	Hari.
39.	Ho.
40.	Khandait.
41.	Khatik.
42.	Khemcha.
43.	Khen.
44.	Khyang.
45.	Kichak.
46.	Koda.
47.	Koiri.
48.	Korwa.
49.	Lalbegi.
50.	Lohar.
51.	Maghaiya-Domea.
52.	Mahar.
53.	Mahli.
54.	Mal.
55.	Mallah.
56.	Naiya.
57.	Nat, Nattadas.
58.	Napit.
59.	Nayak.
60.	Nepali (Limbo, Matwali, Rai).
61.	Nuniya, Nunia.
62.	Oraon.
63.	Paik.
64.	Paliye.
65.	Paliye.
66.	Pan.
67.	Panki.
68.	Pasi.
69.	Ped.
70.	Rabha.
71.	Raju.
72.	Rajwar.
73.	Rupai.
74.	Sunri.
75.	Tiyar.
76.	Yogi, Jogi, Nath.

LIST OF DEPRESSED BACKWARD CLASSES

UTTAR PRADESH

S. No.	Names of the Depressed Backward Classes
1.	Agri.
2.	Aheria, Aheriya.
3.	Arakh.
4.	Auji.
5.	Badak.
6.	Bairi.
7.	Bajigar.
8.	Bandi.
9.	Banjara, Gor, Ladenia, Gamalia, Osaria, Mathura, Labana, Labhana, Dhanakuta Banjora, Brajawasi Banjara, Banjara nut Gwar, Banjara Sikh.
10.	Bari.
11.	Badia.
12.	Baura.
13.	Bauriah.
14.	Bayar.
15.	Bedia.
16.	Beriah.
17.	Bhar.
18.	Bhathiara.
19.	Bhil.
20.	Bhul.
21.	Bhurji, Bharbhuja, Bharbhunja, Bhunj, Bhunjia, Kandu, Kashodhay.
22.	Bind.
23.	Chanal.
24.	Chik.
25.	Chunal.
26.	Chumpa.
27.	Dalera.
28.	Dhari.
29.	Dhobi Rajak (excluding those in S. C.)
30.	Dholi (Dholi).
31.	Dhunia, Katheria, Naddaf.
32.	Faqir.
33.	Gadaria, Geddi, Gaderia, Gareria.
34.	Gadhia.
35.	Gandharva, Bhatu Sausi.
36.	Gandhila.
37.	Gidhiya.
38.	Giri.
39.	Gonrh.
40.	Halalkhor.
41.	Hankiya.
42.	Hurkiya.
43.	Jogi.
44.	Kahar, Dhiver, Dhuru, Godia, Kashyap.
45.	Kewat, Bansi, Chai, Jalehar, Kharsa, Majhi, Mallah, Bishad.
46.	Khairwa.
47.	Kharot.
48.	Kingharia.
49.	Koli.
50.	Kotwar.
51.	Kunjra, Rayeen.
52.	Luniya, Lonia.
53.	Newati.
54.	Mochi (excluding those in S C.).
55.	Muslim Bnjara.
56.	Nadkal.
57.	Nayak, Naik.
58.	Nut (excluding those in S.C.).
59.	Odhia.
60.	Orh, Od
61.	Pahri.
62.	Pauri.
63.	Pawariya.
64.	Raj.
65.	Sapera, Kalbelia.
66.	Sauns.
67.	Turi.

LIST OF DEPRESSED BACKWARD CLASSES

WEST BENGAL

S. No.	Names of the Depressed Backward Classes
1.	Adikari.
2.	Agaria, Agariya.
3.	Aghore.
4.	Amant, Amat, Amath.
5.	Bhar.
6.	Bag.
7.	Badia.
8.	Bagal.
9.	Bajadar, Bajania, Bedey.
10.	Banjara.
11.	Banjogi.
12.	Banus, Buna, Bunna, Buno.
13.	Baragiri.
14.	Barchain, Chai, Chain.
15.	Baro.
16.	Bathudi.
17.	Bentkar.
18.	Berua.
19.	Bhangi (excluding those in Scheduled Caste).
20.	Bhant.
21.	Bhar.
22.	Bhathiara, Basgaqi.
23.	Bhotia.
24.	Bhugal.
25.	Bin.
26.	Binjhia.
27.	Binjhawar.
28.	Binjina.
29.	Brijia.
30.	Chaak.
31.	Chamling.
32.	Chasadhoba, Haladhar, Halari, Satchasi.
33.	Chik, Chikwa, Kasai, Kassab.
34.	Chirimar.
35.	Chitrakar.
36.	Churihara, Lakhera, Lahera.
37.	Dalu.
38.	Dhaon.
39.	Dhakaru.
40.	Dhenuar.
41.	Dilpali.
42.	Duraj.
43.	Gadaba.
44.	Gain.
45.	Ganda.
46.	Garai.
47.	Ghatwal.
48.	Ghatwar.
49.	Ghusuria.
50.	Godra.
51.	Gokha.
52.	Gonda.
53.	Gora.
54.	Gudheri.
55.	Hadi.
56.	Halalkhor (excluding those in Scheduled Caste).
57.	Hawari.
58.	Hela.
59.	Irika.
60.	Juang.
61.	Kahar.
62.	Kaira.
63.	Kalwar.
64.	Kandh.
65.	Kapuria
66.	Karani.
67.	Karha.
68.	Karwalant, Karwalnut.
69.	Kastha.
70.	Kala.
71.	Kharag.
72.	Kharia.
73.	Khen.
74.	Kherwar.
75.	Khyang.
76.	Khyara, Ghara.
77.	Kichak.
78.	Koda.
79.	Kol.
80.	Koli.
81.	Kolu.
82.	Kuki.
83.	Kunjra, Rayeen.
84.	Lakra.
85.	Lushei.
86.	Machhu.
87.	Maghaiya-Domes.
88.	Mahadarda.
89.	Magha Doom.
90.	Mallah.
91.	Mangan.
92.	Mangar.
93.	Marwari Bauria.
94.	Matial.
95.	Mirshikar.
96.	Mug.
97.	Hoobhudish.
98.	Patua.

S. No.	Names of the Depressed Backward Classes
99.	Pirali.
100.	Rakhal.
101.	Rasali.
102.	Rohangia, Roshangia.
103.	Sayar.
104.	Shagird Pesha.
105.	Siyal.
106.	Tamang.
107.	Taru.
108.	Tipara.
109.	Tippera.
110.	Tiyar.
111.	Turha.
112.	Urao, Bandot, Haro, Karkata, Luidu, Shitheo, Tigga, Tirki.
113.	Sansi.

ANDAMAN & NICOBAR ISLANDS

S. No.	Names of the Depressed Backward Classes
1.	Arundatilu (H).
2.	Barar (Umati).
3.	Eluvain.
4.	Dhobi.
5.	Kharia.
6.	Munda.
7.	Namasudra, Adhikari, Sarkar, Dhati, Bala, Hira, Baidal, Maji, Daligbi, Bodoi, Diskas, Poddar, Hindal, Roy, Das, Hadder, Manji, Basi, Manser, Biri, Nag, Bairagi, Bhatra (Baidya).
8.	Nai Thakur.

ARUNACHAL PRADESH

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Diwan.	4.	Maiti.
2.	Kshatriya.	5.	Majhiara.
3.	Kurmi.	6.	Nayor.

LIST OF DEPRESSED BACKWARD CLASSES

CHANDIGARH

S. No.	Names of the Depressed Backward Classes
1.	Ahir, Yadav.
2.	Bagaria.
3.	Barra.
4.	Barwar.
5.	Bahari.
6.	Bajikar.
7.	Bathi.
8.	Battecha.
9.	Beria.
10.	Beta, Hensi, Hosi.
11.	Bhand.
12.	Bharbhunja.
13.	Bhujru.
14.	Botehra.
15.	Charg.
16.	Chirimar.
17.	Daiya.
18.	Dakaut.
19.	Daoli, Doala.
20.	Deha, Dhaya, Dhea.
21.	Dhai.
22.	Dheuwar.
23.	Dhimar, Dhinwar, Jhinwar, Kahar, Mallah.
24.	Dhobi..
25.	Dhosali.
26.	Gadaria.
27.	Gadri.
28.	Gaddi.
29.	Ghosi.
30.	Hadi.
31.	Hajjam, Nai.
32.	Hali.
33.	Harni.
34.	Jogi, Nath.
35.	Kanchan.
36.	Kanghera.
37.	Kanjar.
38.	Kehal.
39.	Kohli.
40.	Labana, Lobana, Vanzara, Banjara, Banjari.
41.	Madari.
42.	Meena, Mina.
43.	Mewati.
44.	Mochi.
45.	Musavar.
46.	Naar.
47.	Naik, Heri, Aheri.
48.	Noongar.
49.	Rachband.
50.	Rai-Sikh.
51.	Rehar, Rehara, Rer, Rihar
52.	Shorigir.
53.	Singhiwala, Singhikaut.
54.	Thori, Turi.

DADRA AND NAGAR HAVELI

S. No.	Names of the Depressed Backward Classes
1.	Agri.
2.	Ahir.
3.	Bharwad.
4.	Brahmi.
5.	Dhobi.
6.	Kahar.
7.	Kumbhar.
8.	Kapadi.
9.	Kolaga (Muslim).
10.	Koli.
11.	Makrana (Muslim).
12.	Nai, Valand.

LIST OF DEPRESSED BACKWARD CLASSES

DELHI

S. No.	Names of the Depressed Backward Classes
1.	Abbasi, Bhishti, Sakka.
2.	Agri Kherwal.
3.	Bangela, Badia, Perna Sapera.
4.	Beri.
5.	Bauria.
6.	Bazigar, Nat, Kalendar (excluding those in S.C.).
7.	Bhubhalia.
8.	Bhand.
9.	Bharbhooja.
10.	Chak.
11.	Chirimar.
12.	Daiya, Dhaiya, Jallad.
13.	Dhinwar, Jhinwar, Nishad.
14.	Dhobi (excluding those in S.C.).
15.	Gaderia.
16.	Gaddi, Garri.
17.	Gadheri, Ghandila.
18.	Ghasiara.
19.	Harm.
20.	Herbi, Heri.
21.	Jogi.
22.	Kahar, Kashyap.
23.	Karawal.
24.	Kanjar, Ghair Kuchbanda, Singikat.
25.	Kewat.
26.	Khatgune.
27.	Khatik (excluding those in S.C.).
28.	Lalli.
29.	Machhi, Machhera, Mali, Saini, Southia, Sagarwanshi-Mali, Nayak.
30.	Masania-Jogi.
31.	Meo, Mewati.
32.	Meriasi, Mirasi.
33.	Nai.
34.	Mochi (excluding those in S.C.).
35.	Nalband.
36.	Patwa.
37.	Patherphera, Sangtarash.
38.	Suriman, Gunjamar.
39.	Gadilohar.
40.	Waghri.

LIST OF DEPRESSED BACKWARD CLASSES

28. GOA, DAMAN & DIU

S. No.	Names of the Depressed Backward Classes
1.	Bhandari.
2.	Banjara, Lambadi, Lamani, Sugali.
3.	Christian Chamar.
4.	Christian Mahar.
5.	Dhangar.
6.	Dhobi.
7.	Dhor.
8.	Gaude.
9.	Goggi.
10.	Gosavi.
11.	Kasar.
12.	Koli.
13.	Kunbi.
14.	Mitna.
15.	Naidu.
16.	Nath, Jogi.
17.	Nhavi, Nai.
18.	Sagar.

MIZORAM

S. No.	Names of the Depressed Backward Classes
1.	Apatani.
2.	Gurkha.
3.	Manipuri.
4.	Paite.
5.	Relse.

